

UNIVERSITY *of* HAWAI'I *at* MĀNOA

WILLIAM S. RICHARDSON
SCHOOL OF LAW



STUDENT HANDBOOK
2017 - 2018

Students should retain the Student Handbook until graduation.

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William S. Richardson School of Law

Student Pledge

In the study of law, I will conscientiously prepare myself;

To advance the interests of those I serve before my own,

To approach my responsibilities and colleagues with integrity, professionalism, and civility,

To guard zealously legal, civil and human rights which are the birthright of all people,

And, above all,

To endeavor always to seek justice.

This I do pledge.

Written by the late Professor Chris K. Iijima and formally adopted by the Faculty in 2002

Ke Kānāwai Māmalahoe



The Law of the Splintered Paddle

As a young warrior chief, Kamehameha the Great came upon commoners fishing along the shoreline.

He attacked the fishermen, but during the struggle caught his foot in a lava crevice. One of the fleeing fishermen turned and broke a canoe paddle over the young chief's head.

The fisherman's act reminded Kamehameha that human life was precious and deserved respect, and that it is wrong for the powerful to mistreat those who may be weaker.

Years later when Kamehameha became ruler of Hawai'i, he declared one of his first laws, Ke Kānāwai Māmalahoe (the Law of the Splintered Paddle), which guaranteed the safety of the highways to all.

This royal edict was law over the entire Hawaiian kingdom during the reign of Kamehameha the Great. Considered one of the most important kānāwai (royal edict), the law gave the Hawaiian people an era of freedom from violent assault.

Artwork by Sanford Mock and original concept by Ruby Hamili '82 and Michael Moore '82

Deans' Message

The William S. Richardson School of Law is committed to providing students, faculty, and staff an excellent, comfortable, and safe learning environment that reflects the highest ethical standards of the legal profession.

This Student Handbook provides students the important regulations that govern student academic performance and conduct.

We expect every student to know, understand, and comply with the regulations in the Student Handbook.

Law School can be one of the most rewarding and challenging experiences in a student's life. If you need help of any kind, please ask. We are here to guide you through your journey toward becoming a successful member of the legal profession.

Sincerely,



Avi Soifer
Dean and Professor



Melody Kapialoha MacKenzie
Fall 2017 Acting Dean and Professor

Our Mission

The William S. Richardson School of Law is a collaborative, multicultural community preparing students for excellence in the practice of law and related careers that advance justice and the rule of law.

We develop highly qualified, ethical professionals through excellence in teaching, scholarship, and public service.

We embrace Hawai'i's diversity and values and recognize a special responsibility to our state and the Pacific region.

We lead in environmental law, Native Hawaiian law, and Pacific-Asian legal studies.

Our Vision

A community of creative problem solvers, effective advocates, and courageous leaders who seek justice.

Our Values

Kuleana: to accept responsibility and the privilege of having responsibility

Nā'au Pono: to foster a deep sense of justice or balance; what is appropriate

Aloha aku, aloha mai: to respect and to receive respect

Huli Ao: to strive for enlightenment; to seek out knowledge

Mālama kekahi i kekahi: to care for one another

Kūpale: to defend and protect; to strongly advocate

Ho'owaiwai: to create wealth and well-being for the community

No'eau: to become a skilled expert; to achieve excellence

Law School Student Handbook

The William S. Richardson School of Law Student Handbook contains important University and Law School policies, and strict academic and disciplinary regulations, that apply to all Law School students pursuing the J.D., LL.M., S.J.D. degrees and any students enrolled in any Law School classes or programs, including Richardson students visiting at another law school, students visiting the Law School from other schools, transfer students, and non-law students who are taking Law School classes for credit or as auditors or participating in Law School programs.

Student Responsibilities

Students have the following responsibilities while attending Law School classes, events, and programs:

1. To exhibit classroom behavior that does not infringe on other students' right to learn;
2. To attend classes as required by the faculty member, recognizing that absences may adversely affect the grade or credit for the course;
3. To fulfill course assignments and requirements as described by the faculty member, recognizing that unfulfilled assignments and requirements may adversely affect the grade or credit for the course;
4. To abide by student, academic, and administrative regulations including the University of Hawai'i Student Code of Conduct and the WSRSL and other Law School policies, rules, and regulations; and
5. To promote an education climate that complies with equal opportunity/affirmative action policies of the University of Hawai'i, which is committed to a policy of nondiscrimination based on race, sex, gender identity and expression, age, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, breastfeeding, income, assignment for child support, arrest and court record (except as permissible under State law), sexual orientation, national guard absence, and status as a covered veteran. (Mānoa Policies 1.100: <http://manoa.hawaii.edu/policies/m1.000general/index.html>)

Laptops and Electronic Devices Policy

Law students are expected to have a laptop for all Law School classes and exams. Law faculty have the discretion to instruct students to use, or not to use, laptops (or similar electronic devices such as tablets and phones) in the classroom. Such devices may not be used during class time for non-class purposes or for messaging other students. During class time, students are encouraged to store and turn off electronic devices not authorized for class use. Students who engage in conduct that is distracting or not in compliance with the instructor's directions regarding use of electronic devices are subject to grade sanctions and the Law School's Disciplinary Regulations.

Law School J.D. Student Learning Outcomes

The Law School is accredited by the American Bar Association and a member of the Association of American Law Schools. In compliance with ABA Standard 301(a) for the Objectives of Program of Legal Education, the Law School strives to “maintain a rigorous program of legal education that prepares its students upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.” In accordance with ABA Standard 301(b),¹ the Law School has established and publishes the following learning outcomes designed to achieve these objectives.

Students admitted to the J.D. program must have an undergraduate degree, among other requirements. In Hawai‘i, and nearly every other state, a J.D. degree from an accredited school is essential to become a licensed attorney. The Law School necessarily focuses substantial attention on those learning objectives aimed at preparation to pass the bar exam and to practice law ethically and effectively. The school also emphasizes areas of law of importance to Hawai‘i and to the school’s mission.

In compliance with ABA Standard 302,² Learning Outcomes, the Law School’s **J.D. Student Learning Outcomes (SLOs)** are:

1. Understand ethical responsibilities as representatives of clients, officers of the court, and public citizens responsible for the quality and availability of justice;
2. Obtain basic education through a curriculum that develops³:
 - understanding of the theory, philosophy, role, and ramifications of the law and its institutions;
 - proficiency in legal analysis, reasoning, problem solving; oral and written communication; legal research;
 - fundamental professional practices necessary to participate effectively in the legal profession;
 - mastery of substantive law regarded as necessary to effective and responsible participation in the legal profession through completion of a curriculum of required and elective study;
3. Understand the law as a public profession calling for performance of Pro Bono services;
4. Promote the development of students’ critical thinking skills and other intellectual tools that will serve their life-long learning needs, and enable them to provide leadership in law through contributions in research and practice;
5. Understand and respect law as a social institution in the context of a diverse state with a unique and important history; and
6. Recognize our global connectedness, especially to the Asia and Pacific regions.

¹ ABA Standard 301(b) became effective in AY16-17 for the 1L entering class.

² ABA Standard 302 became effective in AY16-17 for the 1L entering class.

³ ABA Standard 302(d) references “[o]ther professional skills needed for competent and ethical participation as a member of the legal profession; Interpretation 302-1 explains that “other professional skills are determined by the law school and may include skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.”

Law School LL.M. Student Learning Outcomes

The William S. Richardson School of Law LL.M. complies with American Bar Association standards, having received acquiescence in 2003. Students in the Richardson LL.M. program have already trained as lawyers in diverse global legal systems and often have substantial practice experience when they begin their LL.M. year of study at Richardson. The Richardson LL.M. Student Learning Outcomes (SLOs) are specific and tailored to their foreign law experience and training.⁴

The Law School's **LL.M. SLOs** are:

1. To gain a comparative understanding of the importance of law and legal institutions in the U.S., and the role of lawyers and the judiciary in the American legal system;
2. To understand the professional ethics and service obligations of lawyers;
3. To master fundamental skills in American legal research, legal analysis, and legal reasoning;
4. To learn to communicate an understanding of U.S. legal issues effectively both orally and in writing; and
5. To develop expertise in a specialized area of U.S. or international law through successful completion of an organized program of courses in a selected specialization.

Law School S.J.D. Student Learning Outcomes

The William S. Richardson School of Law S.J.D. degree complies with American Bar Association standards. It is an advanced research degree in law and its student learning outcomes relate to research results, so that student progress in research and writing of the dissertation may be readily gauged.

The **S.J.D. Learning Outcomes** are:

1. To conduct a literature and legal review in the student's chosen subfield of law and to identify a topic on which she or he can make a substantial and original contribution to the existing body of knowledge and legal analysis;
2. To refine the research topic in light of comments from faculty advisors and from the results of the student's initial literature and legal review;
3. To develop and effective research methodology and research plans;
4. To conduct original research on the student's topic and related legal issues; and
5. To write a dissertation of publishable quality that makes an original and substantial contribution to legal scholarship in the student's field.

⁴ In May 2016, the Faculty voted to expand the LL.M. program to allow enrollment of students who have a U.S. J.D. degree. Accordingly, the Faculty will be revising the LL.M. SLOs considering that some LL.M. students will not have already been trained in U.S. law.

Law School Policy on Title IX, Sexual Violence, Gender Discrimination, and Sexual Harassment

The Law School is deeply committed to providing a safe learning and working environment free from sexual violence, gender discrimination, and sexual harassment. Law School faculty, students, and staff are expected to adhere to the highest standards of conduct and avoid behavior that may be perceived or actual sexual violence, gender discrimination, sexual harassment, or other offenses, sexual in nature or otherwise illegal or inappropriate to the University setting.

These forms of sex discrimination and sexual misconduct are prohibited by law and are serious offenses that violate the basic standards of behavior expected of members of the Law School and University community. Such conduct substantially interferes with a person's civil rights to equal opportunity in employment, education, and/or access to the Law School and University programs, activities and services, whether on or off campus. The Law School and University will also take appropriate action to prevent sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Executive Policy EP1.204 on Sexual Harassment and Sexual Assault

The University of Hawaii ("University") is committed to maintaining and promoting safe, respectful campus environments that are free from discrimination, harassment, and sexual violence. The University prohibits and does not tolerate sexual harassment, sexual assault, domestic violence, dating violence, and stalking. These forms of sex discrimination and sexual misconduct are prohibited by law and are serious offenses that violate the basic standards of behavior expected of members of the University community. Such conduct substantially interferes with a person's civil rights to equal opportunity in employment, education, and/or access to University programs, activities and services, whether on- or off-campus. The University will take appropriate action to prevent sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

<https://www.hawaii.edu/titleix/documents/6910/>

FAQs regarding EP1.204 can be found at: <https://www.hawaii.edu/titleix/policy/faqs-ep1204/>

Training: Online Sexual Harassment Prevention Program

The Office of Institutional Equity and the Office of Title IX are offering "CampusClarity" online training for students regarding sex discrimination, gender-based violence, and the rights and resources available to students on campus and in the community. The training takes 1-2 hours to complete and is mandatory for all Law Students. CampusClarity online training is also available for faculty and staff.

This training establishes standards for what constitutes sexual violence and how to respond to problematic situations. Because the problems occur on both an intimate and institutional level, the training takes a look at these issues from a personal and academic lens.

There are four parts to the training: Part I Foundations: Looks at the big picture and pinpoints the roots of the problem; Part II Academic Life: Teaches skills to create and maintain a supportive environment; Part III Personal Life: Teaches how to identify abusive relationships and sexual violence; and Part IV Taking Action: Explore practical strategies to do something about sexual misconduct.

Students may access CampusClarity training at: <https://www.hawaii.edu/titleix/documents/7619/>

Title IX

The Law School's Dean, Associate Deans, faculty, department supervisors, and Human Resources personnel have a duty to identify and promptly report all acts of or complaints made regarding sexual harassment, other sexual offenses, or gender discrimination under Title IX of the federal Civil Rights Act.

Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

If you want help, but are not ready to make a formal report, please contact a confidential resource on your campus to explore your options and receive services from that office at:
<https://www.hawaii.edu/titleix/help/uh-confidential/>

If you would like to make a formal report, please contact your campus Title IX coordinator:

Campus Title IX Coordinator, Dr. Dee Uwono,
email: t9uhm@hawaii.edu, telephone: 956-2299

Deputy Title IX Coordinator and Law School Associate Dean of Student Services, Ronette Kawakami,
email: ronettek@hawaii.edu, telephone: 956-7986

Sexual Harassment

Sexual harassment is any unwanted verbal or physical behavior of a sexual nature that interferes with one's academic performance or work environment. It is the use of authority to emphasize the sexuality or sexual identity of an individual in a manner that prevents the individual's access to the educational benefits or opportunities of the University of Hawai'i.

Sexual harassment constitutes illegal discrimination under Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, as amended, and the Hawai'i State Fair Employment Practices Act, Chapter 378 HRS, as amended.

Sexual assault or any forcible physical sexual behavior is also prohibited by each campus's sexual assault policy and may also be prosecuted as a criminal offense.

If you are aware of a student, faculty member, or staff concerned about an incident of sexual harassment, refer that student immediately to the Law School Associate Dean of Student Services and Deputy Title IX Coordinator, the UH Mānoa Title IX Coordinator, UH Mānoa Gender Equity Specialist, Women's Center, UH Mānoa Dean of Students Services, or UH EEO/AA Office.

Sexual Offenses

The scope of "sex offenses" for which reporting is mandated by the federal Clery Act [34 C.F.R. § 668.46] include rape, acquaintance rape, and other sexual acts directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity (including incapacity due to drugs or alcohol).

Examples of sex offenses include but are not limited to:

- Acts of sexual intercourse where such an act is accomplished against a person's consent by means of force or threat of harm to the complaining party.
- Nonconsensual intercourse by a friend or acquaintance.
- Acts of sexual fondling or other sexual assault where the person is prevented from resisting or giving consent as a result of intoxication or is unconscious at the time of the act, and this fact is known or reasonably should be known to the person committing the act.
- Acts of sexual intercourse where the person is incapable of giving consent because of his or her youth; or where the victim is incapable of giving legal consent because of mental, developmental, or physical disability, and this fact is known or reasonably should be known to the person committing the act.

If you or someone you know has been a victim of sexual assault, take action:

1. Seek medical help

Any person who reports being sexually assaulted is urged to seek medical treatment for injuries, sexually transmitted diseases, and possible pregnancy from the campus's student health service or at the emergency room of any local hospital. A forensic medical exam to preserve evidence of an assault can be performed within 72 hours of a sexual assault by a certified agency. Victims of sexual assault should be informed that they have the option of undergoing an exam even if, at the time of the exam, they are not certain they will formally report the assault. To preserve as much evidence as possible, victims should not perform any personal hygiene until the exam is done.

University Health Services Manoa (UHSM)

1710 East West Road
Honolulu, Hawaii 96822
Honolulu, HI 96822
(808) 956- 8965
www.hawaii.edu/shs/

Sex Abuse Treatment Center

<http://satchawaii.com/>

The Sex Abuse Treatment Center (SATC) of the Kapi'olani Medical Center for Women and Children is a statewide program whose mission is to support the emotional healing process of those sexually assaulted in Hawai'i, to increase community awareness about their needs and to reduce the incidence of all forms of sexual assault.

Harbor Court
55 Merchant Street, 22nd Floor
Honolulu, HI 96813

SATC hotline (808) 524-7273
<http://satchawaii.org>

2. Report incident of sexual assault to law enforcement officials

Any member of the University community who is sexually assaulted is encouraged, and has the option and right, to report the incident to local police and/or with Department of Public Safety (DPS) at 956-6911. DPS will inform individuals of their options to notify proper law enforcement authorities, including local police, and the option to be assisted by DPS in notifying such authorities, if the individual so chooses.

Persons who report being sexually assaulted may also contact the Title IX Coordinator, Deputy Title IX Coordinator for Law School, Gender Equity Office, Women's Center or Equal Employment Opportunity/Affirmative Action ("EEO/AA") Officer. These offices will inform individuals of their options and rights to notify local police or Campus Security and the option and right to be assisted by campus personnel in notifying such authorities, if the individual so chooses. They can also provide referrals to off-campus resources such as off-campus sex abuse treatment centers. Incidents reported to the University under this policy will be addressed promptly.

The University has the right to proceed with an investigation of the complaint at any time (unless reported to a confidential office). University proceedings need not await the disposition of any related criminal investigation or prosecution.

3. You may use on-campus procedures and file complaints with the Title IX Coordinator, Deputy Title IX Coordinator or other designated Complaint Officer.

Students may file formal complaints of sexual assault with the campus Title IX Coordinator or the Deputy Title IX Coordinator who is responsible for ensuring that the complaint is investigated promptly. Before the investigation is completed, the complainant may request changing academic, student employment, or campus residence situations after an alleged sexual assault incident if such changes are reasonably available.

Both the complainant and the individual charged with sexual assault are entitled to have a representative or observer present during an on-campus student disciplinary proceeding. The individual charged with sexual assault is entitled to due process and will be given an opportunity to respond to the allegations. Both the complainant and the individual charged will be informed of the outcome of any on-campus student disciplinary proceeding brought alleging a sexual assault.

Efforts to maintain confidentiality will be exercised to the greatest extent possible; however, appropriate members of the University community will be informed that an incident of sexual assault has been reported. Certain information may need to be disclosed to appropriate administrators, the respondent, and witnesses in order to conduct the investigation. Information may also be disclosed if required by law, rule, regulation, or by order of the court or arbitrator.

Title IX Coordinators

Title IX Coordinator for UH Mānoa

Dr. Dee Uwono

Director and Title IX Coordinator

Hawai'i Hall 124

2500 Campus Road

Honolulu, HI 96821

Phone: 956-2299

Email: t9uhm@hawaii.edu

Deputy Title IX Coordinator and Law School Associate Dean of Student Services

Ronette Kawakami

Law School 221

2515 Dole Street

Honolulu, HI 96822

Phone: 956-7986

Email: ronettek@hawaii.edu

Confidential Resources

Campus Confidential Advocate and/or Campus Survivor Advocacy Program

<https://www.hawaii.edu/titleix/help/confidential/>

Counseling and Student Development Center (CSDC)

Queen Lili'uokalani Center for Student Services 312

2600 Campus Road

Honolulu, HI 96822

(808) 956-7927

uhmcsdc@hawaii.edu

www.manoa.hawaii.edu/counseling

Women's Center

Queen Lili'uokalani Center for Student Services 211

2600 Campus Road

Honolulu, HI 96822

(808) 956-8059

uhmwomen@hawaii.edu

www.hawaii.edu/womenscenter

Gender Equity Specialist

Queen Lili'uokalani Center for Student Services 210

2600 Campus Road

Honolulu, HI 96822

(808) 956-9499

Email: jenna.h.friedman@hawaii.edu

Fax: (808) 956-4541.

Non-Discrimination Policy

Section 1-5, Policy on Nondiscrimination and Affirmative Action, of the Board of Regents' Bylaws and Policies provides the administrative basis for complying with applicable federal and state statutes, rules, regulations, city and county ordinances, and provisions in the collective bargaining agreements governing nondiscrimination. Board Policy is implemented through Executive Policy E1.202, Nondiscrimination and Affirmative Action and Mānoa Policies, including M1.100:

To promote an education climate that complies with equal opportunity/affirmative action policies of the University of Hawai'i, which is committed to a policy of nondiscrimination based on race, sex, gender identity and expression, age, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, breastfeeding, income, assignment for child support, arrest and court record (except as permissible under State law), sexual orientation, national guard absence, and status as a covered

veteran. This policy covers academic considerations such as admission and access to, and participation and treatment in, the University's programs, activities, and services.

Links:

Mānoa Policies 1.100: <http://manoa.hawaii.edu/policies/m1.000general/index.html>

<http://www.hawaii.edu/offices/eo/>

<http://manoa.hawaii.edu/genderequity/>

<http://www.hawaii.edu/offices/eo/training.html>

[http://hawaii.edu/policy/docs/temp/EP1.204 Sexual Harassment Sexual Assault Policy Print Version.pdf](http://hawaii.edu/policy/docs/temp/EP1.204_Sexual_Harassment_Sexual_Assault_Policy_Print_Version.pdf)

<http://hawaii.edu/offices/eo/docs/A9920.pdf>

University Equal Opportunity/Affirmative Action Statement & Policies

A. University Statement on Equal Opportunity/Affirmative Action

As stated in M1.100, "With regard to employment, UHM is committed to equal opportunity in all personnel actions such as recruitment, hiring, promotion, and compensation. Sexual harassment is expressly prohibited. UHM strives to promote full realization of equal opportunity through a positive, continuing affirmative action program in compliance with Federal Executive Order 11246. The program includes measuring performance against specific annual hiring goals, monitoring progress, and reporting on good faith efforts and results in annual affirmative action plan reports. UHM is committed to an affirmative policy of hiring and advancing the employment of qualified persons with disabilities and covered veterans."

B. Contact Information for Equal Opportunity/Affirmative Action

For information on policies or complaint procedures for the UH Mānoa Campus, visit <http://www.hawaii.edu/offices/eo/> or contact:

ADA & 504 Coordinator for Students: Dr. Lori Ideta, Interim Vice Chancellor for Students, Queen Lili'uokalani Center for Student Services, room 409, phone (808) 956-3290 (voice/text).
Email: vcs@hawaii.edu

Title IX, ADA/504 Coordinator for Employees: Mark Au, EEO/AA Director, Administrative Services Building #1, room 102, phone (808) 956-7077 (voice/text). Email: eeo@hawaii.edu.

Gender Equity Specialist: Jenna Friedman, Queen Lili'uokalani Center for Student Services, room 210, phone (808) 956-9499. Email: jenna.h.friedman@hawaii.edu. Fax: (808) 956-4541.

Civil Rights: Jill Nunokawa, Civil Rights Specialist, Queen Lili'uokalani Center for Student Services, room 210, phone (808) 956-4431. Email: jln@hawaii.edu. Fax: (808) 956-4541.

C. Students with Disabilities, KOKUA Program (Disability Access Services)

UH Mānoa recognizes its responsibility to provide equal access to its programs, services, and activities for students with disabilities. The KŌKUA Program, led by Director Ann Ito, is the UH Mānoa office for students with disabilities. KŌKUA serves undergraduate, graduate, and professional students with

learning, physical, psychiatric and other documented disabilities. In the spirit of “aloha” and respect, KŌKUA works together with students, faculty, staff and KŌKUA to facilitate equal access by students with disabilities to the Mānoa experience.

KŌKUA provides disability access services to individuals on a case-by-case basis, and students are not charged for these services. A student’s disability status is considered confidential information and is only disclosed to faculty with the student’s permission. KŌKUA has served thousands of students with disabilities since its inception in 1966 and is available to serve the needs of all students with disabilities on the Mānoa campus, including law students.

Law students with disabilities or related concerns may contact the KŌKUA Program, either directly or through the Associate Dean for Student Services.

KOKUA Program (Disability Access Services). Queen Lili‘uokalani Center for Student Services, Queen Lili‘uokalani Center for Student Services, room 013, phone (Voice/Text): (808) 956-7511 | Fax: (808) 956-8093. Email: kokua@hawaii.edu Visit <http://www.hawaii.edu/kokua>

D. LGBTI Student Services

The UH Mānoa campus provides support services for Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) students. LGBTI Student Services strives to maintain a safe and inclusive campus environment for all students of the University of Hawai‘i at Mānoa regardless of their gender identity or sexual orientation. LGBTI Student Services facilitates student learning and development through a range of educational, information and advocacy programs.

Law students interested in LGBTI services should contact the program directly or through the Associate Dean for Student Services. For more information contact the LGBTI office at (808) 956-9250. You can also visit <http://manoa.hawaii.edu/lgbt/index.html> for more information.

UH Commission on the Status of Lesbian, Gay, Bisexual, Transgender and Intersex Equality

The mission of the UH Commission on the Status of LGBTI Equality is to promote a safe and inclusive environment by creating a culture of equality, acceptance, and respect throughout the University of Hawai‘i System. The Commission advocates the creation and implementation of, and adherence to, Hawai‘i State and University of Hawai‘i policies that serve the needs of the LGBTI students, staff, and faculty. For more information, contact:

Camaron Miyamoto
Administrative Liaison
UH Commission on the Status of LGBTI Equality
University of Hawai‘i at Mānoa
2600 Campus Rd.
Queen Lili‘uokalani Center for Student Services, 211C
Honolulu, HI 96822
tel: 808-956-9250
email: lgbtq@hawaii.edu
web: <http://manoa.hawaii.edu/lgbt>

E. Veteran Affairs

- University of Hawai'i at Mānoa Campus
<http://www.hawaii.edu/offices/eo/veterans.html>

F. Other University Systemwide Executive Policies and Procedures

The University of Hawai'i Equal Employment Opportunity/Affirmative Action Office (EEO/AA) develops and maintains Executive, University of Hawai'i systemwide, and Mānoa Campus policies and procedures at: <http://www.hawaii.edu/offices/eo>, including:

- E1.202: University Statement of Nondiscrimination and Affirmative Action
<http://www.hawaii.edu/svpa/ep/e1/e1202.pdf>
- E1.203: Policy on Sexual Harassment and Related Conduct
<http://www.hawaii.edu/svpa/ep/e1/e1203.pdf>
- A9.900: ADA Complaint Procedure for Members of the Public Who Have Complaints Regarding Disability Access to University Services, Programs, and Activities
<http://www.hawaii.edu/svpa/apm/pers/a9900.pdf>
- A9.920: Discrimination Complaint Procedures for Employees, Students, and Applicants for Employment or Admission
<http://www.hawaii.edu/svpa/apm/pers/a9920.pdf>
- Accessibility to Electronic Information for People with Disabilities; University of Hawai'i at Mānoa Accessibility Home Page
<http://www.hawaii.edu/access>

Article I. Academic Regulations for Juris Doctor Program

Section 1.01 Program of Legal Education, Curriculum, Requirements for the Juris Doctor (J.D.) Degree

- (a) A student must earn a minimum of 89 credits to complete the Juris Doctor (J.D.) degree. At least 64 of those credits must be earned in courses that "require attendance in regularly scheduled classroom sessions or direct faculty instruction." ABA Standard 311(b). *See* Section 1.05 *infra*.
- (b) A student must maintain a cumulative grade point average of 2.0 or higher after the first semester of the first year.
- (c) A student must complete at least 60 hours of Pro Bono Service.⁵ Transfer students must complete a total of 10 hours of pro bono service for every semester enrolled at the William S. Richardson School of Law.
- (d) A student must pass all required courses: the first-year curriculum (Civil Procedure I & II, Contracts I & II, Lawyering Fundamentals I & II, Legal Research, Torts, Criminal Law, Real Property I), and after the first year: Constitutional Law I, the upper-class writing requirement (Second Year Seminar or Law Thesis),⁶ Professional Responsibility,⁷ and the Experiential Learning (EXL) requirement.⁸
- (e) Upper-Class Writing Requirement. A student must complete four credits of Second Year Seminar or Law Thesis for the upper-class writing requirement for the J.D. The upper-class writing requirement may not be taken in the terminal semester. If a law student does not pass Second Year Seminar, the law student must retake the course after consultation with the Associate Deans and may not earn a grade higher than "C" on the retake. If a law student takes Law Thesis in two semesters and does not pass both semesters, the law student has not met the upper-class writing requirement and must timely consult with the Associate Deans for placement in either Second Year Seminar or Law Thesis and, upon retake, may not earn higher than a "C" grade. Any partial credits earned in Law Thesis will not count toward the upper-class writing requirement; the partial credits can count as elective credits toward the J.D. degree.
- (f) All requirements for the J.D. degree must be completed no earlier than 24 months and, except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the Law School or another law school from which the Law School has accepted transfer credit. ABA Standard 311(b).⁹ A student seeking to extend the time for completion of the J.D.

⁵ See ABA Standard 303(b), effective AY16-17 for entering 1L students, which requires a law school to provide "substantial opportunities" for "student participation in pro bono legal services, including law related public service activities." *See* Section 1.28 *infra* for Pro Bono Service Requirements.

⁶ Effective AY16-17 for entering 1L students, ABA Standard 303(a)(2) requires "one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised."

⁷ ABA Standard 303(a)(1) requires "one course of at least two credit hours in professional responsibility that includes substantial instruction in the history, goals, structure, values, and responsibilities of the legal profession and its members."

⁸ *See* Section 1.04 below. Effective AY16-17 for entering 1L students, ABA Standard 303(a)(3) requires "one or more experiential course(s) totalling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement." ABA Standard 303(a)(3) further defines the term "experiential"; Standard 304(a) defines the term "simulation courses" and "law clinics."

⁹ ABA Standards Interpretation 311-2 provides "Whenever a student is permitted on the basis of extraordinary circumstances to exceed the 84-month program limitation in Standard 311(b), the law school shall place in the student's

requirements beyond 84 months based on extraordinary circumstances, as defined in ABA Standards Interpretation 311-3, shall file a written petition with the Registrar prior to the beginning of the student's 80th month after matriculation. The Associate Dean for Academic Affairs will review and make a determination on the petition. If a student does not submit a petition by the 84th month after matriculation, the student will be dismissed and would need to reapply for admission.

- (g) A student must satisfy all outstanding obligations to the Law School and the University, including, but not limited to: repaying emergency student loans; paying parking fines; and returning all keys, access cards, and borrowed library books.
- (h) Although students may receive counsel from the Law School's administration and faculty, **students are solely responsible for monitoring and tracking their progress toward, and completion of, graduation requirements.**
- (i) A student may not use a course to satisfy more than one requirement for graduation. ABA Standard Interpretation 303-1. "For example, a course that includes a writing experience used to satisfy the upper-class writing requirement . . . cannot be counted as one of the experiential courses in Standard 303(a)(3)."
- (j) The three annual official graduation dates for all law students are set by the University of Hawai'i at Mānoa for each semester as follows: Fall (December), Spring (May), or Summer (August). If a law student completes all graduation requirements prior to the end of the terminal semester, the official graduation date and the date for conferral of the J.D. degree do not change from the three graduation dates listed above. Thus, the semester in which a student completes all graduation requirements is the semester that determines the date of graduation. For example, a law student who completes her or his graduation requirements during the summer semester will have the official graduation date and degree conferral date of August.

Section 1.02 Academic Program, Academic Calendar, Enrollment Requirements, Academic Status

- (a) Students must continuously enroll in Law School each Fall and Spring semester until completion of degree requirements, unless a leave of absence is granted pursuant to Section 1.19 *infra*.
- (b) A "full time" student for Law School enrollment purposes is a student who registers for at least 12 credits and receives a passing grade of "D" or higher for at least 9 of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below 12 credits will result in loss of "full time" status. Loss or change in enrollment status may affect a student's financial aid and other support such as military benefits.
- (c) A student may not apply more than 18 credits per semester towards his or her J.D. degree. Without exception, a law student may not enroll in coursework that exceeds 20% (18 credits) of the total credit hours required for graduation (89 credits). ABA Standard 311(c).
- (d) Upon completion of the first-year curriculum, a student in good academic standing may enroll in fewer than 12 or more than 18 credits in a Fall or Spring semester (of which a maximum of only 18 credits may count towards the J.D. degree) only with prior written approval of the Associate Dean for Student Services and the Law School Registrar. See

file a statement signed by an appropriate law school official explaining the extraordinary circumstances leading the law school to permit an exception to the limitation. Such extraordinary circumstances, for example, might include a 2of a student's legal education because of an illness, family exigency, or military service."

<https://www.law.hawaii.edu/forms-0> Any reduction below 12 credits may affect a student's financial aid and other support such as military benefits.

Section 1.03 Credit Hours and Load

- (a) The Law School graduation requirements and schedule of classes are based on ABA Standards that determine "credit hours" for coursework.¹⁰
- (b) A first-year student (1L) is a student who has earned 1 to 29 credits. A second-year student (2L) is a student who has earned 30 to 59 credits. A third-year student (3L) is a student who has earned 60 or more credits.
- (c) Regular Credit Load. Full Time study for J.D. students is at least 12 credits a semester. A typical semester course load is 14 to 16 credit hours.
- (d) Summer School Credit Load. A student may not take more than 7 credits during a Summer semester without prior written approval of the Law School Registrar. See <https://www.law.hawaii.edu/forms-0>
- (e) January Term Credit Load. A student may enroll in one January Term course during his or her first academic year. A student may enroll in up to two January Term courses in subsequent academic years.
- (f) A student may not take Lawyering Fundamentals II and Second Year Seminar (or Law Thesis) in the same semester, without prior written approval from the Associate Dean for Academic Affairs.
- (g) A student may earn a J.D. degree based only on course work taken after the student has matriculated in a law school. The ABA Standards do not allow a law school to grant credit toward the J.D. degree for work taken prior to matriculation, *e.g.*, in a pre-admission program. ABA Standard 311(d).

Section 1.04 ABA Curriculum and Experiential Learning (EXL) Requirements

- (a) In compliance with ABA Standards 303 and 304, effective AY16-17 for entering 1L students, the Law School Curriculum will require each student to satisfactorily complete the following:
 - (1) one course of at least two credits in professional responsibility¹¹;
 - (2) one writing experience in the first year and one upper-class writing experience¹²; and
 - (3) one or more "experiential courses" totaling at least six credit hours.

¹⁰ ABA Standard 310(b) defines a "credit hour" as the "amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours." According to ABA Standard Interpretation 310-1, "fifty minutes suffices for one hour of classroom or direct faculty instruction. An 'hour' for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination." The Law School typically schedules classes in fifty-minute increments (*e.g.*, a 3-credit class meets for 75 minutes per class twice a week for a total of 150 minutes) and sixty minutes minimum for a 1-credit class. The Law School typically has a fourteen-week semester with an eight-day final examination period.

¹¹ See Section 1.01 *supra*.

¹² See Section 1.01 *supra*.

According to ABA Standard 303(a)(3), "An experiential course must be a simulation course,¹³ a law clinic,¹⁴ or a field placement."¹⁵

- (b) The Law School's 6-credit Experiential Learning (EXL) requirement may be satisfied by a combination of credits in simulation (skills) courses, clinical courses, and a maximum of 2 credits of Externship (field placement).¹⁶ Students transferring to Richardson from other ABA-accredited law schools may count credits from qualified experiential learning courses that meet ABA Standards at their prior school toward the 6-credit EXL graduation requirement.
- (c) A student may exceed the 6-credit minimum for Experiential Learning (EXL) courses. Note that EXL clinics and skill/simulation courses are not counted as Special Project Credits but the 2 credits of Externship/field placement do count as Special Project Credits.

Section 1.05 Regular Classroom Course Requirements

- (a) Of the 89 credits required to graduate from the Law School, at least 64 of those credits must be earned in courses that "require attendance in regularly scheduled classroom sessions or direct faculty instruction." ABA Standard 311(a). *See* Section 1.01 *supra*. Therefore, a student may not count toward the J.D. degree more than 25 credits in courses that do not "require attendance in regularly scheduled classroom sessions or direct faculty instruction." ABA Standard 311(a).

Section 1.06 Special Project Credits

- (a) Definition. Special Project Credits are: Law School externships ("field placement"),¹⁷ directed studies, journals, team competitions, and graduate courses taken in other University departments. Law courses taken at other ABA-accredited law schools, such as summer courses or courses taken as a visiting student, are not counted as Special Project Credits. Experiential Learning (EXL) courses that are clinics and skill/simulation courses are not counted as Special Project Credits.

¹³ A "simulation course" is a course that "provides substantial experience not involving an actual client, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following: (i) direct supervision of the student's performance by a faculty member, (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and (iii) a classroom instructional component." ABA Standard 304(a).

¹⁴ A "law clinic" is a course that "provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following: (i) direct supervision of the student's performance by a faculty member; (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and (iii) a classroom instructional component." ABA Standard 304(b).

¹⁵ ABA Standard 303(a)(3) further defines the "experiential course requirement" as follows: "To satisfy this requirement, a course must be primarily experiential in nature and must: (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302; (ii) develop the concepts underlying the professional skills being taught; (iii) provide multiple opportunities for performance; and (iv) provide opportunities for self-evaluation."

¹⁶ In Spring 2017, the faculty adopted a policy to allow 2 credits of externship to count toward the 6-credit EXL requirement beginning Summer 2017.

¹⁷ ABA Standards, effective AY16-17 for entering 1Ls, refer to externships as "field placement." *See* ABA Standards 303(a)(3) and (b)(1), 305, and 307. ABA Standard 305, Field Placements and Other Study Outside the Classroom, set the standards for externships including time and effort required, quality control of work product by faculty members and site supervisors, and student reflection.

- (b) A maximum of 12 Special Project Credits may count toward the J.D. degree. For students pursuing a dual degree or Full Time Externship outside the State of Hawai'i, a maximum of 17 Special Project Credits may count toward the J.D. degree.
- (c) A student on academic probation may not enroll in Special Project Credits.

Section 1.07 Externships (Field Placement)

- (a) A student who has successfully completed 19 credit hours that demonstrate "sufficient prerequisites or contemporaneous[] sufficient training to assure the quality of the student's educational experience in the field placement program," ABA Standard 305(e)(6), may enroll in a Hawai'i Externship for 2, 4, or 6 credits. A student may count up to 6 credits of a Hawai'i Externship toward the J.D. degree. With prior written approval from the Externship Director, a student may repeat a Hawai'i Externship at the same placement within the 6 credit limit.
- (b) A student may apply 2 credits of Externship toward the Law School's 6-credit Experiential Learning (EXL) requirement.
- (c) With prior written approval of the Externship Director and the Associate Dean for Student Services, a student may enroll in a Full Time Externship outside the State of Hawai'i during the Fall, Spring, or Summer semester and may count up to 12 credits toward the J.D. degree.
- (d) A student on academic probation may not enroll in an Externship.
- (e) A student may not enroll in a foreign law program and a Full Time Externship outside the State of Hawai'i at the same time.
- (f) All Externships shall be graded on the basis of "Credit/No Credit."
- (g) The educational objectives of the Externship Program and more detailed information are available on the Law School website at <https://www.law.hawaii.edu/externship-program>.

Section 1.08 Directed Study

- (a) With prior written approval of the Law School Registrar, a student may take a Directed Study with a Law School faculty member for a maximum of 3 credits per semester and total of 6 credits towards the J.D. degree. A lecturer may not supervise a Directed Study. A Law School faculty may not supervise more than three Directed Study students in a semester. See <https://www.law.hawaii.edu/forms-0>
- (b) A Directed Study counts towards the limit of 12 Special Project Credits. A Directed Study does not count against the 6-credit allowance for taking electives on a "Credit/No Credit" basis. The student and the supervising Directed Study faculty member must agree on the grading option ("Credit/No Credit" or letter grade) at the time of enrollment.
- (c) A student on academic probation may not enroll in Directed Study.

Section 1.09 Law Journals and Team Competitions

- (a) A student in good academic standing may seek to participate on law journals and team competitions. All journals and teams must provide a fair opportunity for all J.D. students to qualify. Law journals and team competitions count toward the limit of 12 Special Project Credits.

- (b) A student may not receive credit for participation on more than one law journal during any semester without prior written approval of the Associate Dean for Student Services. Students who have received an offer to participate in more than one law journal must notify the Associate Dean for Student Services, the editors-in-chief, and the faculty advisors for the journals prior to making a final commitment.
- (c) A student may enroll in no more than 1 credit, in the Spring semester only, with a moot court team. An additional 1 credit of directed study related to a moot court team per academic year may be taken, in the Spring semester only, under the supervision of that moot court team's faculty advisor.
- (d) A student may not receive credit for participation on more than one moot court team during any semester without prior written approval of the Associate Dean for Student Services. Students who have been invited to join more than one moot court team must notify the Associate Dean for Student Services and the faculty advisors for the moot court teams prior to making a final commitment.

Section 1.10 Courses Taken Outside the Law School at the University by Students Not Pursuing a Dual Graduate Degree/Certificate

- (a) Approved courses taken outside the Law School at the University by students not pursuing a dual graduate degree/certificate count toward the limit of 12 Special Project Credits. With the written approval of the Law School Registrar prior to enrollment, a student not pursuing a dual graduate degree/certificate may earn and count up to 3 credits of courses taken outside the Law School at the University toward the J.D. degree. Eligible courses are either:
 - (i) a graduate level (600 or higher) course; or
 - (ii) a language course (300 or higher); if the language course is not offered at a higher than a 200 level, then a 200 level course may be approved.
- (b) All courses taken outside the Law School applied toward the J.D. degree must be taken for a letter grade unless offered only as "Credit/No Credit." A grade of "C" or better shall be counted as a "Credit" on the Law School transcript and will not be computed in the Law School cumulative grade point average. See <https://www.law.hawaii.edu/forms-0>
- (c) A student may not enroll in more than two non-Law School courses in a semester, without the prior written approval of the Associate Dean for Student Services.

Section 1.11 Courses Taken Outside the Law School at the University by Students Pursuing Dual Graduate Degree/Certificate Programs

- (a) A student pursuing a dual graduate degree/certificate at the University taking courses outside the Law School shall notify the Law School Registrar within two weeks of acceptance into the other program. Admission to the Law School does not guarantee admission into the non-law program. A student interested in pursuing a dual graduate degree/certificate program must meet the admission requirements of the other program. The Law School does not grant transfer credit for any courses taken prior to matriculation into the Law School.¹⁸ See <https://www.law.hawaii.edu/forms-0>

¹⁸ See ABA Standard 311(d).

- (b) With written approval of the Law School Registrar prior to enrollment, a student pursuing the J.D. degree and another graduate degree/certificate may earn and count up to 10 credits from the non-law program toward the J.D. degree. A student may not transfer partial course credit (e.g., 1 credit out of a 3-credit course). All courses taken outside the Law School applied toward the J.D. degree must be taken for a letter grade unless offered only as "Credit/No Credit." A grade of "C" or better shall be counted as a "Credit" on the Law School transcript and will not be computed in the Law School cumulative grade point average. See <https://www.law.hawaii.edu/forms-0>
- (c) When the student completes the J.D. degree before the other graduate degree/certificate, the 10 credits from that other program will be counted toward the J.D. degree only if the student has made substantial progress toward the other graduate degree/certificate.
- (d) A student Pursuing Dual Graduate Degree/Certificate Programs may not take more than two non-Law School (excluding the Dual Degree/Certificate program-related courses) in a semester, without the prior written approval of the Associate Dean for Student Services.
- (e) The requirements for the dual degree programs with international institutions are available on the Law School website.

Section 1.12 Richardson Law Students Visiting an ABA-Accredited Law School

- (a) With the prior written approval of the Associate Dean for Student Services and the Law School Registrar, a student in good academic standing after completing the first-year curriculum may visit at another ABA-accredited law school as a full time or part time student at that law school and transfer a maximum of 30 credits earned at that school. To graduate from the Law School, the student must have earned at least 45 of 89 credits at the Law School.
- (b) Students visiting another ABA-accredited Law School must take each course for a letter grade (unless a grade option is not offered), and must earn a "C" or above; the credits earned will transfer only as "Credit" and a letter grade will not be reflected or used to compute the student's Law School GPA.
- (c) A student requesting transfer credit for *required* courses while visiting at another ABA-accredited law school must obtain prior written approval of the Associate Dean for Academic Affairs and the Law School Registrar. The transfer will be approved only if the course at the other law school is substantially similar to the required Law School course. The student is responsible for providing sufficient information, including a course description and syllabus to the Associate Dean for Academic Affairs, who may consult the faculty regarding equivalency.

Section 1.13 Students Visiting Richardson Law School from an ABA-Accredited Law School

- (a) A visiting student from another ABA-accredited law school is governed by the Law School academic regulations. A student visiting the Law School may not participate in a course lottery for limited enrollment courses but may enroll during open enrollment if space permits. With prior written approval of the Associate Dean for Academic Affairs and the Law School Registrar, a visiting student may take Second Year Seminar or Law Thesis on a space-available basis. See <https://www.law.hawaii.edu/forms-0>

Section 1.14 Students Transferring to the Richardson J.D. Program from Other ABA-Accredited Law Schools

- (a) A transfer student may request to transfer up to 44 credits from another ABA-accredited law school. The Associate Dean for Academic Affairs shall determine which courses will be accepted and the number of credits to be transferred. A student will not receive credit for courses taken at the Law School if the student has already received transfer credit for a substantially similar course taken at another ABA-accredited law school. The student's prior cumulative grade point average may not be used in computing the student's Law School cumulative GPA for any purpose, including graduation and eligibility to continue to enroll. A grade of "Credit" will be used for all transferred credits. A minimum of 45 credits must be taken at the Law School. A transfer student must satisfy all Law School academic course requirements as determined by the Associate Dean for Academic Affairs and the Law School Registrar.

Section 1.15 Richardson Law Students Attending Foreign Law Programs

- (a) With prior written approval of the Associate Dean for Academic Affairs, a law student in good academic standing who has completed the first-year curriculum may attend a foreign law program for a maximum of two semesters and transfer a maximum of 12 credits per semester earned in that program.
- (b) The student must consult with the Director and faculty advisor for International Programs and then submit an application that conforms to the ABA Criteria for Accepting Credit for Student Study at a Foreign Institution to the Associate Dean for Academic Affairs at least 6 months in advance of the proposed departure. A Foreign Study Memorandum will then be placed in the student's file and maintained by the Associate Dean for Academic Affairs.
- (c) A grade of "Credit" will be used for all transferred credits provided the student earns a grade of at least a "C" or equivalent in the foreign law program courses.
- (d) A student seeking to participate in foreign study through the Law School's established programs with University of British Columbia and the Bucerius Law School must submit a request using the "Visiting Another Law School" form at least 3 months in advance of the proposed start date.

Upon approval of the request, a Foreign Study Memorandum will then be placed in the student's file and maintained by the Associate Dean for Academic Affairs.

Section 1.16 Summer Law Programs at the Law School and Other ABA-Accredited Law Schools

- (a) The Hawai'i Summer Law Program is part of the Law School J.D. Program. A law student may enroll in up to 7 credits per summer without special approval. A law student may not enroll in more than 7 credits per summer without prior written approval of the Law School Registrar.
- (b) With written approval of the Law School Registrar prior to enrollment, a student in good academic standing may transfer credit(s) from an ABA-approved law school summer program. The student must provide the Law School Registrar complete information about the host institution, course(s) proposed to be taken, and number of credits. A student may request a letter of good standing from the Law School Registrar if required by the host institution. See <https://www.law.hawaii.edu/forms-0>
- (c) A student may not earn more than 7 credits toward the J.D. degree in any summer semester without the prior written approval of the Law School Registrar. If a student enrolls in summer law program other than at the Law School, the class and exam schedules may not conflict and

any such conflicts will not be considered in a student request for excused absence or exam accommodations.

- (d) A student may not receive transfer credit for any course identical or substantially similar to previously credited Law School courses or vice versa. Summer law program courses must be taken for a letter grade unless a letter grade option is not offered. A grade of "Credit" will be used for all transferred credits provided the student earns a grade of a "C" or above. Upon completion of the summer program, the student is responsible for submitting a transcript to the Law School Registrar within 4 weeks of release of the grades to the student.

Section 1.17 Distance Education

- (a) In November 2016, the Law School adopted a policy on Distance Education to meet ABA Standard 306. A "distance education" course is "one in which the students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously." ABA Standard 306(a). Credit for distance education courses may be approved only as part of the Law School's regular curriculum approval process. ABA Standard 306(b). A student may not take a distance education course until completion of 28 credit hours toward the J.D. degree. ABA Standard 306(f). No more than 15 credits hours from distance education courses may be granted toward the J.D. degree. ABA Standard 306(e).¹⁹
 - (b) The Law School DE policy is as follows:

1. Purpose

This Distance Education (DE) policy is designed to guide the William S. Richardson School of Law (Law School) in the development, delivery, and granting of credit for distance education, in accordance with American Bar Association (ABA) Standard 306.

2. Definitions

2.1 Distance Education. Distance Education is delivered through a course in which students are separated from the faculty member or each other for more than one-third of the instruction, and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.²⁰

2.2 Distance Education Course (DE Course). A DE Course is a discrete product of developed material, including, but not limited to, syllabi, introductory material, learner outcomes, assigned materials, assignments, and assessment mechanisms, taught via distance education. A DE Course is a complete unit that may be taught multiple times.

2.3 Distance Education Class (DE Class). A DE Class is the version of a DE Course that is delivered by a Teaching Faculty member and taught to students during a particular academic period, e.g., a semester. DE Classes may be delivered asynchronously, synchronously, or as a hybrid or blended version.

¹⁹ See ABA Standard 306(a)-(g) for further information on distance education course policy requirements.

²⁰ ABA Standard 306(a).

2.4 DE Teaching Faculty. A DE Teaching Faculty member is a person who executes and delivers a DE Class. DE Teaching Faculty interact with students, provide feedback, assessment, and other appropriate material.

2.5 Asynchronous. An asynchronous DE Course is one in which the instruction is delivered at one time and the students' work can be done at a different time. In asynchronous classes, students and teachers use email, video, discussion boards, listservs, wikis, and other technologies, which allow them to communicate without having to be in the same virtual or physical space at the same time.

2.6 Synchronous. A synchronous DEA Course is one in which the DE Teaching Faculty and students are in different physical locations, but conduct multi-way video or audio communication with virtually no time delay, allowing participants to respond in real time.

2.7 Hybrid or Blended. A hybrid or blended DE Course is one that includes both live, in-person sessions and additional asynchronous and/or synchronous sessions.

3.0 DE Courses

3.1 Each DE Course developed will be designed to utilize the technological resources available at the Law School and the University of Hawai'i at Mānoa, supportable by the institution, and reasonably available to law students.²¹

3.2 Each DE Course will comply with the Law School Student Learning Outcomes and ABA Standard 302.²²

3.3 Each DE Course will provide faculty instruction and student work per credit hour that is consistent with ABA Standard 310 and Law School course-hours policy.²³

3.4 Each DE Course will include sufficient interactive tools and course design elements that provide regular opportunities for significant and meaningful student-faculty and student-student interactivity.

3.5 All DE Courses offered by the Law School will be approved through the Law School's normal course approval process, including an evaluation of the academic content, the method of course delivery, and the method of evaluating student performance.²⁴

3.6 The Law School will establish a policy for verifying the identity of students participating in DE Courses that also protects student privacy.

4.0 DE Student Privacy and Verification

4.1 Each DE Class will protect student privacy according to federal and institutional Family Education Rights and Privacy Act (FERPA), and Health Insurance Portability and Accountability Act (HIPPA) guidelines. All DE Classes will be provided through secure websites, and all required course elements that require student identification will be limited to those websites.²⁵

²¹ ABA Standard 306(c).

²² ABA Standard 302.

²³ ABA Standard 301.

²⁴ ABA Standard 306(b).

²⁵ ABA Standard 306(g).

4.2 Each DE Class will require students to have, at minimum, a unique login and password, issued to the student through the Law School's standard student verification protocols.²⁶

4.3 All required assignments and examinations will be administered subject to the Law School's Academic Regulations and in a manner to ensure that the student who registers for a DE Course is the same student that complete the assignments and takes examinations.²⁷

5.0 DE Faculty

5.1 DE Teaching Faculty members who develop a DE Course, or who teach one or more DE Classes, will have access to appropriate training and ongoing support for the use of the technology employed for the DE Course.²⁸

5.2 DE Teaching Faculty will respond in a timely fashion to student questions and concerns, and they will state in written materials (such as a syllabus) what their response time is likely to be (e.g., 24 hours). DE Teaching Faculty will alert students in advance if it appears that they will deviate materially from that response time.²⁹

5.3 In accordance with ABA Standard 306, Teaching Faculty will provide regular monitoring of student effort and progress and take steps to intervene regarding student learning as needed.

6.0 Students

6.1 All students who participate in a DE Course will have an appropriate orientation to train students in the use of the technology employed for the DE Course and DE protocols appropriate to the DE Course.

6.2 Students may count a maximum of 15 credits of DE Courses towards the J.D. degree at the Law School as part of the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by ABA Standard 311(b).³⁰

6.3 Students in the J.D. program must complete 28 credit hours toward the J.D. degree and be in good standing prior to being enrolled in a DE Course.³¹

6.4 All student work that occurs in a DE Course may be monitored and reviewed by the DE Teaching Faculty and other Law School personnel as necessary for the delivery of the DE Course and compliance with this Policy.

6.5 All students in DE Classes will abide by the Law School's Academic Regulations and this DE Policy.

6.6 Law School J.D. students may enroll in DE courses offered at other ABA-approved law schools only with prior permission of the Law School's Associate Dean of Academic Affairs, and only when the law school offering the course has in place a policy that encompasses the same or similar requirements as this policy.

²⁶ Id.

²⁷ Id.

²⁸ ABA Standard 306(d).

²⁹ ABA Standard 306(c).

³⁰ ABA Standard 306(e).

³¹ ABA Standard 306(f).

6.7 Law School LL.M. and S.J.D. students may only take DE courses offered by the Law School and must seek approval prior to enrollment from the LL.M. Director or S.J.D. Director respectively. A maximum of 4 credits from DE Courses can be applied toward the LL.M degree, and a maximum of 6 credits from DE Courses may be applied toward the S.J.D.

7.0 Administration.

7.1 The Law School's DE Courses will provide reasonable accommodation opportunities to comply with the Americans with Disabilities Act requirements and all relevant Law School and University policies.

7.2 The administration of the Law School DE program is the responsibility of the Associate Dean for Academic Affairs, who may consult with a DE Committee.

Section 1.18 Attendance, Absences

- (a) In accordance with ABA Standard 308(a), the Law School requires regular attendance of classes. A student must adhere to the attendance policies stated in the syllabi provided by Law School faculty members for each course. A student is responsible for ensuring that her or his own attendance conforms to the course requirements and faculty member's practice for recording regular attendance.
- (b) The Associate Dean for Student Services may excuse absences in individual cases for reason of illness, family emergencies, or other extraordinary situations. A student requesting an excused absence is responsible for reporting the absence within 3 days through the absence form on the Law School web site and, within 7 days of the absence, providing supporting documentation to the Associate Dean for Student Services who will determine whether the absence is excused or unexcused. See <https://www.law.hawaii.edu/forms-0>
- (c) Excused and Unexcused Absences
 - (i) Excused Absences may include but are not limited to:
 - Illness (requires doctor's note for an extended absence)
 - Death and/or funeral of family or close friend
 - Mandatory professional training, education, and/or licensing that cannot be rescheduled (requires prompt notice to the Law School)
 - Mandatory active or reserve military obligations that cannot be rescheduled (requires prompt notice to the Law School)
 - Religious holidays
 - Moot Court, Client Counseling competitions (not applicable to 1L team assistants)
 - Attendance at a local, national, or international law-related conference as a speaker, law student representative, coordinator, or award recipient
 - Court appearances
 - Serious personal matters
 - (ii) Unexcused Absences may include but are not limited to:

- (b) A law student may not audit more than two non-Law School courses in a semester, without the prior written approval of the Associate Dean for Student Services.
- (c) The credits from audited courses do not count toward determining full- or part-time enrollment status or for financial aid requirements.
- (d) The Law School auditor policy for non-law students is posted on the web site:
<https://www.law.hawaii.edu/auditing-policy-non-law-students>

Section 1.22 Grade System and Ranking

(a) Grade System

- (i) Grade points for each credit hour received in a course are computed as follows:

A+ = 4.0	B+ = 3.3	C+ = 2.3	D+ = 1.3	F = 0.0
A = 4.0	B = 3.0	C = 2.0	D = 1.0	
A- = 3.7	B- = 2.7	C- = 1.7		

- (ii) The grade system includes the following designations: A+, A, A- (excellent); B+, B, B- (above average); C+, C (average); C-, D+, D (minimal passing); F (failure); CR (credit); NC (no credit); I (incomplete); and L (audit).
 - (iii) Plus (“+”) and minus (“-”) grades will be used to calculate the student’s GPA. A faculty member may choose to assign only whole letter grades.
- (b) Advisory Grades. Students receive only advisory grades (“Credit”/“No Credit”) in the first semester of the first year of Law School.
- (i) No grade other than “Credit” or “No Credit” shall be reported to anyone other than the student and employees of the Law School acting in an official capacity.
 - (ii) Advisory grades in the first semester of full or part time study will not be used in determining the official Law School GPA. Advisory grades may be used by the Law School to assist a student in fulfilling graduation requirements, avoiding dismissal, or avoiding probation.
 - (iii) For first-year students, semester advisory grades will be used to decide whether a student will be placed on academic probation.
- (c) Elective Credit/No Credit Option. A student may count up to 6 credits of elective courses (that are normally graded) on a “Credit/No Credit” basis. If a student earns a grade of “No Credit” then those credits will not count towards the 6 credit maximum. When a student selects the “Credit/No Credit” option, no grade will be included in the student’s GPA and the student is ineligible for the highest grade award in that course.
- (d) The term “Credit” means a performance of “D” or above.
- (e) “Incomplete.” Only under extraordinary circumstances and with prior written approval of the Associate Dean for Student Services or Academic Affairs, may a student be given an “Incomplete” grade. To convert an “Incomplete” to a final grade, a student must complete all required coursework prior to end of the regular exam period of the subsequent Fall or Spring semester, or Summer session. If a student does not complete the coursework during this time period, the student will receive a failing grade for the course.

- Attendance at a conference
 - Participation in a sports tournament
 - Job interviews, call backs
 - Transportation delays
 - Weddings (including your own), reunions
 - Computer problems
 - Personal matters that are not emergencies
 - Conflicts with projects, work, or deadlines in other classes
- (d) If a student's *excused* absences exceed 10% of class time, the Associate Dean for Student Services may require the student to withdraw from the course.
- (e) If a student's *unexcused* absences exceed 10% of class time, the Associate Dean for Academic Affairs may impose sanctions including, but not limited to, a substantial grade reduction, withdrawal from the course, or assignment of a failing grade for the course.
- (f) The Law School recognizes the importance of jury duty. However, a student may request that the Associate Dean for Student Services prepare a letter to request that the court excuse or reschedule a student's jury duty because of academic conflicts.

Section 1.19 Withdrawal from Courses

- (a) A student may not withdraw from any course after the Law School's "drop with a W" period without written approval of the Associate Dean for Student Services and demonstrating extraordinary circumstances.

Section 1.20 Leave of Absence

- (a) The Law School may grant a leave of absence for a student demonstrating extraordinary circumstances. A student seeking a leave of absence must submit a written request to the Associate Dean for Student Services. See <https://www.law.hawaii.edu/forms-0>
- (b) If the student fails to return at the end of a leave of absence or does not officially extend his or her leave of absence, the student will be withdrawn from the J.D. program no later than the semester subsequent to the end of the leave of absence. The student will have to reapply for admission and may petition to receive credit for previously completed courses.
- (c) Active military duty. The Law School will grant a leave of absence for a student called to active military duty. The Associate Dean for Academic Affairs may grant credit for the semester that was interrupted if the student completes a required academic plan.

Section 1.21 Auditing Courses

- (a) A student who has completed the first-year curriculum is permitted to audit a Law School course with permission of the faculty member. The faculty may from time to time allow 1Ls to audit a Law School course before completion of the first-year curriculum, *e.g.*, special one-time courses that would not otherwise be available to the 1Ls. Audited courses appear on official University transcripts with the designation "L" and do not count toward computation of Law School GPA or J.D. requirements.

- *Magna cum laude* indicates an overall GPA in the top 10% of the class.
 - *Cum laude* indicates an overall GPA in the top 25% of the class.
- (i) **Grade Reporting.** Students may access their grades through the University of Hawai'i student website at myuh.hawaii.edu. Every course taken during the semester and the final grade received including "+" and "-" are indicated, unless the course is taken for "Credit/No Credit" or "Audit." The "+/-" is factored into a student's GPA.
 - (j) **Official Transcript**
 - (i) The University of Hawai'i's Admissions and Records Office prepares a student's official transcript upon request and for a small fee. The official transcript is cumulative and lists every course taken and the final grade. The GPA on the official transcript may differ from the GPA on the Law School grade report due to Academic Regulations for the Law School. For example, when a student takes a University course outside the Law School, the grade for that course is not computed into the Law School GPA.
 - (ii) For 1Ls, the official transcript of Fall semester courses will not indicate the advisory letter grades but will show only "Credit/No Credit." Each student is responsible for keeping copies of his or her Law School grade reports. The Law School does not disclose advisory grades to anyone outside the Law School.

Section 1.23 Academic Standards, Eligibility to Continue, Academic Probation, Dismissal

- (a) In accordance with ABA Standard 308, Academic Standards, and Standard 309, Academic Advising and Support, the Law School adheres to the following policies for "good standing, academic integrity, and dismissal."
- (b) A student is considered to be in "good standing" if the student is (i) not on academic probation, (ii) not dismissed, and (iii) not been found responsible for a disciplinary violation. A certification of "good standing" may be delayed, qualified, or denied due to an unresolved disciplinary investigation.
- (c) **Academic Advising and Support.** The Law School provides academic advising for students to communicate academic standards and graduation requirements, as well as guidance on course selection. *See* ABA Standard 309.
- (d) A student who earns a semester GPA of below 2.0, a failing grade in any course, or a grade of "No Credit" in a Credit/No Credit only course, shall:
 - (i) meet with the Director of Academic Success to develop an academic plan for the subsequent semester;
 - (ii) not receive Law School credit for journals, Moot Court/Client Counseling teams, or any courses taken outside the Law School; and
 - (iii) not serve on a Law School Committee or serve as officer of the Student Bar Association or Law Student Government.
- (e) **Retaking Courses**
 - (i) A student otherwise eligible to continue may retake any required or elective course in which he or she earned the grade of "D," "F," or "No Credit." A course may be retaken only once. Thus, if a student receives an "F" in a required course and, upon re-

(f) Law School Grading Curve

(i) Curve

Grades	Range
A+ to A-	10% - 30%
A+ to B-	75% - 90%
C+ and below, for courses with over 16 law students	10% - 25%
C+ and below, for courses with 16 or fewer law students	0 % - 25%

The enrollment count of 16 includes law students taking the course for Credit/No Credit and LLMs taking the course for a grade but does not include cross-registered students from other departments or other non-law students.

- (ii) Faculty Discretion and Syllabus. A faculty member has broad discretion in determining the factors to be considered in evaluating student performance. Faculty members shall give students a syllabus describing the factors to be considered in calculating grades and the relative weight to be assigned to such factors. Faculty members should provide a syllabus to students before the end of the first week of classes.

(g) Numerical Ranking

- (i) Quintile. After each Fall and Spring semester, the Law School calculates five quintile rankings for each class: first quintile (20%), second quintile (40%), third quintile (60%), fourth quintile (80%) and fifth quintile. In addition, the class median GPA is calculated. Quintiles are based on each student's cumulative GPA (not including advisory grades).
- (ii) Ranking. If a student is ranked in the top 20%, the numerical ranking will appear only on the Law School-generated Spring semester grade report. Multiple numerical rankings (i.e. ties) are possible. Students are strongly encouraged to clarify to prospective employers if he or she is tied for a numerical ranking. If no numerical ranking is indicated, the student is not in the top 20% and should refer to his or her reported quintile ranking.
- (iii) Ranking Only in Spring Semester. For 1Ls, numerical ranking will be calculated using only Spring semester grades because Fall semester grades are advisory. For 2Ls and 3Ls, the numerical ranking is based on the cumulative GPA (excluding advisory grades). For August and December graduates, ranking will be calculated only after the following Spring grades are reported. August and December graduates are ranked with the following Spring graduating class.
- (iv) Ranking of Part Time Students. A student enrolled in the Evening Part Time Program will be ranked with Full Time first-year students the Spring semester after the completion of 30 credits. A student enrolled in the Part Time program with 30 to 59 credits will be ranked with Full Time second-year students. A student enrolled in the Part Time program with 60 or more credits will be ranked with Full Time third-year students.
- (v) Students who are visiting at other law schools or on leave of absence will not receive a class ranking in the semester of their absence.

(h) Honors for Graduating Students

- *Summa cum laude* indicates an overall GPA in the top 5% of the class.

- 4) not receive Law School credit for journals, Moot Court/Client Counseling teams, or any courses taken outside the Law School; and
 - 5) not serve on a Law School Committee or serve as an officer of the Student Bar Association or Law Student Government.
- (h) Due Process Policies for Good Standing and Graduation. In accordance with ABA Standard 308(b), a student who encounter academic difficulties, ineligible for good standing, on probation, or at the risk of dismissal will be notified in writing by the Law School Registrar and provided academic and other counseling support by the Director of Academic Support, the Associate Dean for Student Services, or the Associate Dean for Academic Affairs regarding academic and other options, including a petition for readmission.
- (i) Readmission after Academic Dismissal
- (i) A student who for academic reasons is ineligible to continue to enroll may petition the Law School Petitions Committee in writing for readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the Law School and will grant such petitions only under the following circumstances:
 - 1) For first-year students in their first semester and Part Time students in their first academic year of study, the petitioner must prove that he or she has a strong likelihood of completing the Law School program and becoming a competent attorney;
 - 2) For all other students, the petitioner must prove that he or she was subject to extraordinary circumstances and that the petitioner has a strong likelihood of completing the Law School program and becoming a competent attorney; and
 - 3) "Extraordinary circumstances" mean: "An event or series of events that are unforeseeable and unusual for law students and that has an extreme adverse impact upon the student's ability to pursue the study of law."
 - (ii) To be considered for readmission, a student must submit the petition in writing to the Associate Dean for Academic Affairs at least 2 calendar weeks before the beginning of the semester following the date of dismissal or at such earlier or later time as the Associate Dean for Academic Affairs may designate in writing to the student. Failure to file a timely petition constitutes a waiver of the right to petition.
 - (iii) A petitioner has the right to appear in person before the Law School Petitions Committee and may bring one other person to assist in the advocacy of the petition. The petitioner has the burden to bring all relevant evidence before the Law School Petitions Committee. The Committee may review the student's Law School file, including academic records, and may actively seek additional information regarding the petitioner. If the Law School Petitions Committee decides to readmit the petitioner, this decision is final.
 - (iv) A denial of the petition may be appealed to the full faculty. On appeal to the full faculty, the petitioner, or his or her advocate, may address the faculty for no more than five minutes. No new evidence may be brought before the full faculty. However, the full faculty may review the Law School Petitions Committee's decision de novo and may decide whether to readmit the petitioner.
 - (v) If a student previously disqualified for academic reasons is readmitted, a statement of the considerations that led to the decision will be placed in the student's file. ABA Standard 501(c).

enrollment, again earns an "F," the student shall be dismissed from the Law School. If a student initially took a course on a "Credit/No Credit" basis, the student must retake the course on the same basis. If a student initially took a course for a letter grade, the student must retake the course on the same basis.

- (ii) Grade Upon Retake. Regardless of the grade earned on retake, a grade no higher than a "C" shall be entered on the student's Law School records rather than the higher grade, and this new grade of "C" or below shall be used for all purposes. If a lower grade is earned upon retake, that lower grade replaces the original grade for all purposes (e.g., computation of cumulative and semester GPA).

- (iii) Treatment of Credits Earned Upon Retake.

- 1) The credits for the retaken course shall replace the original course credits for all purposes.
- 2) The official University transcript will reflect both the original grade and credits as well as the retake grade and credits.

(f) Academic Integrity, Dismissal, Probation

- (i) A student shall be placed on academic probation at the end of any semester in which his or her cumulative Law School GPA falls below a 2.00 but above 1.59.

- (ii) At the end of any semester during which a student is on academic probation:

- 1) the student is restored to good academic standing and removed from academic probation if his or her cumulative Law School GPA rises to 2.00 or above;
- 2) the student shall remain on academic probation if his or her cumulative Law School GPA remains below 2.00 but the student earns 2.00 or above in the courses taken that semester; or
- 3) the student shall be dismissed if the student earns a Law School GPA of 1.99 or below in the courses taken that semester.

- (iii) A student shall be dismissed after the end of any semester, except his or her first semester, in which the student's cumulative Law School GPA falls below 1.60. If a student earns a Law School GPA of 1.59 or below during his or her first semester of Law School, the student shall not be dismissed and shall be placed on academic probation after the end of his or her first semester.

- (iv) Passing Required Courses. A student must earn a grade of "D" or above in all required courses or "Credit" in courses graded for "Credit/No Credit." A student who receives an "F" in any part of a sequential course required in the first-year curriculum (e.g., Contracts I & II, Civil Procedure I & II, Lawyering Fundamentals I & II) must retake that course, but may enroll in the next scheduled course in the sequence prior to retake unless otherwise required by the Associate Dean for Academic Affairs.

(g) Academic Probation

- (i) A student who is placed on academic probation shall:

- 1) meet with the Director of Academic Success to develop an academic plan for any semester during which a student is on academic probation;
- 2) not enroll, without the prior written approval of the Associate Dean for Student Services, in any Experiential Learning (Clinical or Skills) course;
- 3) not enroll in any Directed Study or Externship;

rules may not specifically mention plagiarism, when a student “borrows” language or ideas from others without proper attribution, for whatever reason (e.g., deadline pressure, personal distress, or ignorance), this violates the principles embodied in the professional rules, such as the Hawai‘i Rules of Professional Conduct, which state that “It is professional misconduct for a lawyer to: . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation[.]” Rule 8.4(c).

- (c) **Avoiding Plagiarism.** Law Students should carefully avoid plagiarism in all classes and coursework by studying and understanding the definition, by consulting with faculty for guidance, and by studiously and meticulously citing appropriate sources for any work, in any form, that is not a student’s own. Each year, particularly prior to taking Second Year Seminar or Law Thesis, students are strongly encouraged to review the plagiarism lesson available from the Center for Computer-Assisted Legal Instruction (CALI) (available at www.cali.org), entitled “Plagiarism: Keeping Out of Trouble.”
- (d) **Plagiarism Sanctions.** Sanctions for plagiarism in Law School are determined by the process set forth in the Disciplinary Regulations and can be severe, including but not limited to receiving an “F” in the course or dismissal from Law School.

Section 1.26 Exams

- (a) All students must comply with the exam procedures established by the Associate Dean for Student Services and the Law School Registrar.
- (b) A student who is enrolled in a course in which an exam is given will be required to take the exam at its regularly scheduled time and place. Failure to turn in an exam on time will result in an “F” grade or “No Credit” in the course.
- (c) Final exams will be graded anonymously according to a system administered by the Law School Registrar.
- (d) **Policies and procedures for exams:**
 - (i) These policies and procedures for exams apply to all faculty members and students unless otherwise approved by the Associate Dean for Student Services based on extraordinary circumstances.
 - (ii) To assure an anonymous grading system, each student will be assigned an identification (ID) number from the Student Services Office per semester to be used on all exams for that semester. Each student is responsible for following all of the exam procedures and schedules as provided by the Student Services Office and posted on the Law School website.
 - (iii) Students should contact the Associate Dean for Student Services within 24 hours of the exam regarding any irregularity that may affect the integrity of the exam or exam performance including potential misconduct of other students, or, computer, hardware, or software problems.
 - (iv) **Posting of Grades.** Results of exams will be posted on <https://myuh.hawaii.edu> approximately 30 days after the exam. Students may contact their faculty member only after grades for their courses are posted.
 - (v) **Final Exam Rescheduling**
 - 1) Students should check the final exam schedule before registering for courses. Each student is responsible for noting the exact date, time, and room for each and every exam that he or she is required to take. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.

Section 1.24 Deadlines for Written Work

- (a) A student must submit all written work for each semester by the deadline set by the faculty member, which shall be no later than the final day of the regular exam period for the semester or summer session.
- (b) General Rule. A faculty member is not required to accept written work submitted after the deadline. At his or her discretion, a faculty member may grant a student an extension of time other than for a mid-term or final examination upon a showing of good cause, if requested in a timely manner. Deadlines after the final day of the regular exam period for the semester or summer session, or requests for an extension of time beyond the final day of the exam period may not be set or granted by a faculty member and may be approved only by the Associate Dean for Academic Affairs based on compelling circumstances.
- (c) No extensions of deadlines for required assignments are allowed in these courses: Second Year Seminar, Lawyering Fundamentals I, or Lawyering Fundamentals II.
- (d) Exceptions.
 - (i) Lawyering Fundamentals I and II. For good cause only, a student may seek an extension in Lawyering Fundamentals I and II. *Before* the assignment is due, a student seeking an extension must contact only the Associate Dean for Student Services, who will then determine whether the late assignment is excused, unexcused, or subject to penalty. Students should refer to the Lawyering Fundamentals I and II syllabi for detailed instructions on timeliness of assignments.
 - (ii) Second Year Seminar. For good cause only, a student may seek an extension if the student (aa) promptly notifies the faculty member and the Director of Legal Writing by email, and (bb) simultaneously requests an extension of the deadline for a required assignment, with sufficient justification, in writing from the Associate Dean for Student Services who will determine whether a late assignment is excused or unexcused and subject to penalty.
 - (iii) Law Thesis. Deadlines for Law Thesis work product required for the credit hours are set by the faculty member in accordance with the Law Thesis Master Syllabus but may not extend beyond the last day of the regularly scheduled exam period for that semester.
- (e) Delays in turning in written work because of computer-related problems are not excused. An excused absence does not result in an extension of time on written work unless the extension is approved by the Associate Dean for Student Services.

Section 1.25 Plagiarism

- (a) Definition. “Plagiarism” is defined as the **submission or presentation of any work, in any form, that is not a student’s own, without acknowledgement of the source.** A student shall not appropriate ideas, facts, or language from the work of another without proper use of quotation marks, citation, or other explanatory insert. **Regardless of intent**, the failure to properly acknowledge the use of another’s work constitutes plagiarism. All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student’s own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another’s language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student’s work.
- (b) Plagiarism Policy. The Law School policy on plagiarism is based on its fundamental responsibility to prepare students for the legal profession and to hold students to standards that reflect the ethical standards of the legal profession. Although the professional responsibility

- (iv) A student alleged to have violated exam policies must provide all relevant information promptly upon request to the Law School and Associate Dean for Academic Affairs. Penalties will be imposed in consultation with the faculty member teaching the course, while preserving student confidentiality.

Section 1.27 Procedures for Review of Final Grades and Exam Papers

- (a) After the grades are posted, students may review their final exams through the Faculty Support Office. Exams will be made available for review only until the end of the subsequent semester. Students will be notified of the availability of exams after grades are posted. Each faculty member will, upon request, discuss the student's performance in the class and the final grade with the student in the course.
- (b) If, after the discussion with the faculty member and review of the student's exam, the student believes that his or her grade may violate the Law School Academic Grievance Regulations, the student may pursue the remedies prescribed therein.
- (c) A grade may not be changed based upon a reevaluation of the student's work.
- (d) If a faculty member believes the grade resulted from a mathematical error, the faculty member shall notify the Associate Dean for Academic Affairs, who will circulate a notice to the faculty, explaining the circumstances of the error and proposing approval absent faculty objection.

Section 1.28 Student Learning Outcomes and Student Assessment

- (a) The Law School adopted its current Student Learning Outcomes (SLOs) in 2012, and those SLOs were, in accordance with ABA Standard 302, formally made effective in AY16-17 with the 1L entering class. The Standard requires SLOs that involve competency in: (a) knowledge and understanding of substantive and procedural law, (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context, (c) exercise of proper professional and ethical responsibilities to clients and the legal system, and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.
- (b) Assessment of Student Learning. The Law School utilizes both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students. ABA Standard 314, Assessment of Student Learning. Formative and summative assessment is defined in ABA Standard Interpretation 314-1. Flexibility in determining assessment methods is explained in ABA Standard Interpretation 314-2.
- (c) Evaluation of the Program of Legal Education, Learning Outcomes, and Assessment Methods. The Law School conducts ongoing evaluation of the program of legal education, learning outcomes, and assessment methods, and uses the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and make appropriate changes to improve the curriculum.

Section 1.29 Law-Related Public Service Activities

- (a) The Law School provides students substantial opportunities to law-related public service activities in accordance with ABA Standard 303(b)(2).
- (b) According to ABA Standard Interpretation 303-4, "law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public

- 2) Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed only for extraordinary circumstances, such as:
 - a) medically certified disabilities;
 - b) verified emergencies beyond the student's control that substantially impair the student's ability to take the exam at the scheduled time; or
 - c) for reasonable accommodation of religious observation in the case of serious incompatibility between a student's religious beliefs and a scheduled exam.
- 3) Students must obtain prior written approval for the rescheduling of any exams from the Associate Dean for Student Services and the Law School Registrar at least 14 days prior to the start of the final exam period. Students shall not discuss the rescheduling of any exams with the faculty member or other students. The rescheduled exam will be given on a date to be determined by the Law School Registrar.

(vi) Day of Exam

- 1) Cell phones and other electronic devices are strictly prohibited from being accessed during an exam. All cell phones must be turned off and put away throughout the duration of an exam. Watches and/or other timing devices must be silenced throughout the exam. Laptop computers may be used only to type exam answers utilizing software from Examsoft. Students using bluebooks must write legibly. Only answers written legibly will be graded.
- 2) Any books, e-books, notes or other course-related materials not authorized for use during the exam may not be brought into the exam room, or must be placed at the front of the room during the exam. Students may not consult any unauthorized materials during the exam. Students may not leave unattended course or exam materials, including notes or outlines, in any common areas of the Law School during the entire Law School exam period.

(vii) Exam Confidentiality

- 1) Students may not discuss the contents of an exam with faculty or other students until grades are posted. This is necessary to assure exam confidentiality and integrity, e.g., in the event that someone is unable to take the exam at the scheduled time.
- 2) Students should avoid making any references or particular notations on the exam that a faculty member may recognize as coming from a certain student. This rule applies before, during, and after the exam. Breaches of exam confidentiality are subject to review under the Disciplinary Regulations.

(e) Exam Violations, Penalties

- (i) The Law School and the Associate Dean of Academic Affairs have the discretion to impose penalties for violations of exam policies.
- (ii) If the violation is considered a "minor" infraction and does not involve intent to gain advantage, a penalty may be imposed of up to 10% of the total exam points.
- (iii) If the violation is considered a "major" infraction, e.g., continuing to write or complete answers after time is called to gain advantage, a penalty may be imposed for more than 10% of the total exam points.

of a licensed attorney. Hawai'i's Rule of Professional Conduct 1.6 expressly states that a lawyer and those working for the lawyer may not reveal information relating to representation of a client unless the client consents or the disclosure is otherwise permitted. Violation of this rule risks revocation of the attorney's license to practice law. A law student violating this rule risks not being licensed.

- (ii) Pro Bono service must be uncompensated and must not be service done in fulfillment of a requirement for academic credit, and must be service for which the supervisor charges no fee, a substantially reduced fee, or is working on behalf of a non-profit, public interest or government organization.
 - (iii) Pro Bono service must be supervised by an attorney, a Law School faculty member, or another qualified supervisor licensed to practice law in the jurisdiction approved in advance by the Pro Bono Program Administrator. Law students are not authorized to act as supervisors.
- (g) For more detailed information about Pro Bono service requirements, visit the Law School website: <https://www.law.hawaii.edu/pro-bono-program>.

Section 1.31 Character and Fitness for the Bar

- (a) A student is responsible to determine and be familiar with the character, fitness, and other qualifications for admission to the Bar.
- (b) A student has a continuing duty to update the Law School on any incident or event that may adversely impact a student's character and fitness or qualification for admission to the Bar, regardless of whether the incident or event occurred before or after admission to Law School.
- (c) Written record of academic or disciplinary actions may be included in a student's record. The Law School may be required to disclose a student's academic or disciplinary record to other institutions or state Bar Examiners.

Section 1.32 Privacy Rights

- (a) The following Family Educational Rights and Privacy Act (FERPA) guidelines are set forth by the University of Hawai'i at Mānoa. For the most up-to-date information regarding FERPA guidelines, visit <http://manoa.hawaii.edu/records/policies.html>.
- (b) The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records:
 - (i) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access

Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
 - (ii) The right to request the amendment of the student's education records which the student believes are inaccurate or misleading.

rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.”

Section 1.30 Pro Bono Service Requirements

- (a) **Required Hours.** Pro Bono service is a graduation requirement for all Law School J.D. students. Except for transfer students, law students who enroll in the Law School must complete 60 hours of Pro Bono service prior to graduation.³² Full Time transfer students must complete a total of 10 hours of Pro Bono service for every semester enrolled in the Law School. Part Time transfer students must complete a total of 10 hours of Pro Bono service for every 15 credits taken at the Law School.
- (b) **Timing of Pro Bono Service.** The Pro Bono requirement may be fulfilled during one or more semesters, summer session, and during the winter, spring, and summer recesses. First-year law students may receive credit only for Pro Bono service performed after completing exams of their first semester.
- (c) **Pre-Approval and Documentation.** Law students are solely responsible for locating Pro Bono service opportunities with qualified supervisors and for the timely submission of required documentation, including registration forms, time sheets, student evaluations, and supervisor evaluations. Students are required to maintain their own copies of all paperwork submitted. Pro Bono service must be approved by the Pro Bono Program Administrator. To confirm that the placement will be approved, students are encouraged to seek approval in advance of commencement of their Pro Bono service.
- (d) **Deadline.** Failure to meet the Pro Bono requirement **prior to the end of the student’s terminal semester will result in a failure to graduate.** The deadline for graduating students to complete their Pro Bono requirements, including submission of all required documentation, is the last scheduled day of classes of the semester of graduation or the designated date. A student requesting an extension of the Pro Bono deadline must file, through the Pro Bono Program Administrator and the Associate Dean for Student Services, a written petition to the faculty demonstrating extraordinary circumstances.
- (e) **Types of Service.** Pro Bono service may be fulfilled with one or more approved agencies, individuals, organizations, or projects. Students are encouraged to perform at least 20 hours of Pro Bono service with an organization receiving funding from the State of Hawai‘i Judiciary’s Indigent Legal Assistance Fund or with an attorney or organization providing similar legal services to indigent clients in Hawai‘i or in another jurisdiction. According to ABA Standard 303, Interpretation 303-3, law schools are encouraged to follow the definition of “pro bono legal services” provided under Rule 6.1 of the ABA Model Rules of Professional Conduct, which involve services “primarily to persons of limited means or to organizations that serve such persons.”
- (f) **Ground Rules, Professional Responsibility, Confidentiality**
 - (i) Students participating in the Law School Pro Bono Program are not covered by the Rules of the Hawai‘i State Supreme Court, thus they may not give legal advice, or make formal appearances in court or otherwise engage in the practice of law. The Code of Professional Responsibility applies because students are working under the supervision

³² Pursuant to ABA Standard 303, Interpretation 303-3, law schools are encouraged to promote opportunities for students to complete at least 50 hours of pro bono service, which the Law School Pro Bono program already exceeds.

- Fact of participation in officially recognized activities and sports
- Weight and height of members of athletic teams

A student has the right to request that all of the above items not be designated Directory Information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction nor later than 14 calendar days from the first day of instruction for the academic term or semester or the fourth day of a summer session, inform each Campus Registrar of each campus he or she is attending which of the above items are not to be disclosed without the prior consent of that student. At UH Mānoa, report to the Office of Admissions, Queen Lili'uokalani Center for Student Services Room 001, to make this request.

Note: Submission of this FERPA nondisclosure of directory information request does not automatically remove students from the UH Directory of email addresses, which is accessible only to those with valid UH email accounts.

To remove yourself from the UH Online Directory:

- Log in to MyUH at <https://myuh.hawaii.edu>
- Select the My Profile tab
- Look for UH Online Directory, Options for Students, select Opt-out

Students are advised that institutional policy and procedures required under FERPA have been published as Administrative Procedure A7.022 Procedures Relating to Protection of the Educational Rights and Privacy of Students. Copies of Administrative Procedure A7.022 may be obtained from the Office of the Vice Chancellor for Students. Visit the Student Affairs website, <http://studentaffairs.manoa.hawaii.edu/> for more information.

Parents and/or spouses, and third parties, are advised that information contained in educational records, except as may be determined to be Directory Information, will not be disclosed without the prior written consent of the student.

Section 1.32 Law School Policy Regarding Directory Information

- (a) The Law School policy is that any requests regarding directory information for law students shall be directed to the Law School Registrar. Faculty and/or other staff members shall not release directory information.
- (b) The Law School has adopted stricter restrictions related to public inquiries for information, and will disclose only the following information without prior consent of a student unless a student otherwise so informs the University not to disclose such information:
 - Name of student
 - Dates of attendance
 - Enrollment status (full time or part time)
 - Degrees and awards received
- (c) The Law School will share the directory information in section (v) above of a student who has graduated with the Alumni Association unless the student informs the University according to Section 1.29(b)(v) above.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write to the university official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- (iii) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

- (iv) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

FERPA is administered by:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520

- (v) Directory Information. Students are advised that the following personally-identifiable information is considered by the University to be Directory Information and, in response to public inquiry, may be disclosed without prior consent of the student unless the student otherwise so informs the University not to disclose such information:

- Name of student
- Local address and zip code
- Local telephone number
- Email address
- Major field of study
- Educational level (i.e., first-year, second-year, third-year)
- Dates of attendance
- Enrollment status (full time or part time)
- Degrees and awards received
- Most recent educational institution attended

- (d) The individual or group photos of law students, and video of Law School events, may be posted for public viewing without prior consent of the student unless the student otherwise so informs the Law School not to disclose the information.

Section 1.34 University of Hawai'i (UH) Email

- (a) Important information from the University and Law School will be sent through a student's UH email account (UH username@hawaii.edu). Emails sent through a student's UH email account are considered an official channel of communication by the University. **Therefore, it is the student's responsibility to check his or her UH email on a regular basis.**

Section 1.35 Record of Academic Performance

- (a) Without written consent of the current or former student, any evaluation of academic performance of the current or former student shall not be disclosed to any person who is not an employee of the University acting in an official capacity. Provisions of the Family Educational Rights and Privacy Act (FERPA 20 U.S.C. § 1232g; 34 CFR Part 99) shall govern the handling of student records.
- (b) Information about a current or former student's academic record (including course grades and GPA) will not be shared with a student or a third party over the telephone or by email unless authorized by the Law School Registrar.
- (c) A student may request access to his or her academic records by appearing in person at the Law School, with photo I.D., and by completing a written request to review his or her record.

Section 1.36 Amendments

- (a) The Law School may periodically modify these regulations, which shall be binding on all students from the date of publication.
- (b) However, any amendments regarding credit and cumulative GPA requirements for graduation shall not apply to the prejudice of any student enrolled in the Law School prior to the modification.

Section 1.37 Appeal

- (a) Any decisions pursuant to these regulations made by the Registrar, Associate Dean for Academic Affairs, or the Associate Dean for Student Services may be appealed to the Dean by submitting a written petition. The Dean may make a decision or refer the appeal to the full faculty. If there is such a referral, the faculty will hear the appeal at a regularly scheduled faculty meeting, with or without an appearance by the student involved, at the discretion of the full faculty.

Section 1.37 Student Complaints Implicating Compliance with ABA Standards

In accordance with ABA Standard 510, the Law School policy for addressing student complaints implicating compliance with ABA Standards is as follows:

- (a) A law student may file a written complaint that notifies the Law School of a significant problem that directly implicates the Law School's compliance with ABA Standards.³³
- (b) A complaint must be filed with the Associate Dean of Academic Affairs promptly and, in any event, no later than thirty days after the end of the semester during which the alleged violation occurred. The complaint shall contain: a summary of the factual allegations and any supporting documents (indicating specific times, dates, and witnesses, with contact information), specific reference to the implicated ABA Standards, a statement of the "significance" of the allegation, and the requested remedial action.
- (c) The Associate Dean, or her designee, will: (i) notify the student that the complaint is under review, (ii) may conduct an independent investigation including meeting with the student complainant and witnesses, gathering additional factual information from available records, (iii) determine if the allegations in the complaint demonstrate a "significant" violation of ABA Standards, and (iv) and will inform the student complainant of the resolution of the complaint within sixty days of receipt.
- (d) If the student complainant decides to appeal the decision of the Associate Dean, a formal appeal may be filed with the Dean within fifteen calendar days of the decision. The Dean may grant or deny the appeal and exercise her or his discretion to refer the matter for decision or for information only to the faculty at the next regularly scheduled faculty meeting. The Dean or the faculty may invite the student complainant to meet or appear to discuss the allegations and resolution. A student who is not satisfied with the results of the final decision of the Law School may contact the ABA for further information.

³³ See ABA Standard 510, Interpretation 510-1.

Article II. Supplemental Regulations for Evening Part Time Program

The Academic Regulations for the J.D. Program apply to all Part Time Students and are incorporated herein by reference. These supplemental regulations are specifically for students enrolled in the Evening Part Time Program. In the event of a conflict between the two sets of academic regulations, the Academic Regulations for the Part Time Program shall control.

Section 2.01 Program of Study

- (a) A regular semester course load for a part time student is 9 to 11 credits.
- (b) On a showing of good cause and with prior written approval of the Law School Registrar, a student enrolled in the Evening Part Time Program in good academic standing may enroll in 12 credits a semester. A student taking 12 credits a semester will be classified by the University as a full time student for financial aid purposes. Any reduction in credits will result in a change in financial aid for the student and may result in a change in support, such as military benefits.
- (c) With the prior written approval of the Law School Registrar, a student enrolled in the Evening Part Time Program may enroll in less than 9 credits in a semester. Any reduction below 9 credits will result in a change in financial aid for the student.
- (d) To remain enrolled and in good academic standing, a student enrolled in the Evening Part Time Program must register for at least 6 credits and complete at least 3 of those credits.
- (e) A student enrolled in the Evening Part Time Program may not take elective courses, except January Term courses, until the completion of his or her first academic year at the Law School.
- (f) A student enrolled in the Evening Part Time Program may enroll in one January Term course during his or her first academic year at the Law School. A student enrolled in the Evening Part Time Program may enroll in up to two January Term courses in subsequent academic years.
- (g) A student enrolled in the Evening Part Time Program may enroll in an Externship (Field Placement) after completion of 19 credit hours that demonstrate "sufficient prerequisites or contemporaneous[] sufficient training to assure the quality of the student's educational experience in the field placement program." ABA Standard 305(e)(6).³⁴
- (h) A student enrolled in the Evening Part Time Program can receive credit for Pro Bono Services after completion of exams for his or her first semester of Law School.
- (i) After completion of all required courses in the first two academic years of the part time curriculum and with prior written approval of the Associate Dean for Student Services, a student enrolled in the Evening Part Time Program in good academic standing may transition to the Full Time Program.
- (j) A student enrolled in the Evening Part Time Program will be ranked with Full Time first-year students after completion of 30 credits. A student enrolled in the Part Time program with 30 to 59 credits will be ranked with Full Time second-year students. A student enrolled in the Part Time program with 60 or more credits will be ranked with Full Time third-year students. Quintiles are calculated by the Law School Registrar for all law students each semester. Numerical ranking of all law students in the top quintile only is calculated by the Law School Registrar once a year, after the completion of the Spring semester.

³⁴ See ABA Standard 305(e)(6).

Article III. Supplemental Regulations for Advanced J.D. Program

Section 3.01 Program of Study

- (a) Students admitted to the Advanced J.D. (AJD) program may request the transfer of up to 29 credits from their foreign law study if the content of the studies was such that credit would have been granted towards satisfaction of JD degree requirements at the Law School. Credit granted shall be commensurate with the time and effort required and the quality of the educational experience of the student. In consultation with the faculty advisor for the AJD program, the Associate Dean for Academic Affairs shall determine which courses will be accepted and the number of credits to be transferred from the student's foreign law study.
- (b) The student's prior cumulative grade point average may not be used in computing the student's Law School cumulative GPA for any purpose, including graduation and eligibility to continue to enroll. A grade of "Credit" will be used for all transferred credits.
- (c) The number of credits transferred from a foreign institution may not exceed one-third of the total required at the Law School. No credit will be transferred from an LL.M degree earned at another American institution.
- (d) A minimum of 60 credits must be taken at the Law School.
- (e) A student admitted as an AJD student must satisfy all Law School academic course requirements as determined by the Associate Dean for Academic Affairs.
- (f) AJD students must complete 4 credits of EXL coursework (instead of 6) to graduate, which may include 2 credits of Externship (Field Placement) credits.
- (g) Students admitted to the AJD program must complete a total of 10 hours of pro bono service for every semester they are enrolled in the Law School.
- (h) All requirements for the JD degree must be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the Law School; however, if a year of credit is granted toward the J.D. degree, the student has only 72 months to complete law school in the United States.³⁵
- (i) If the student's instruction in the home country was not in English and the student has previously studied in the United States or another English speaking country for less than two years, extra time may be granted for the completion of an in-class exam and a dictionary may be used for the first year of study at the Law School, in accordance with the exam procedures established by the Registrar or Associate Dean for Student Services.

³⁵ ABA Standards Interpretation 311-3.

Article IV. Supplemental Regulations for LL.M. Program

Academic Regulations for the J.D. Program (with the exception of the Ulu Lehua Scholars and Evening Part Time Program regulations) apply to LL.M. students. In the event of a conflict, the Supplement Academic Regulations for the LL.M. Program shall control.

Section 4.01 Requirements for the Master of Laws (LL.M.) Degree

- (a) Full time study in the Law School for two academic semesters.
 - (i) To be considered "Full Time" for Law School enrollment purposes, students must register for at least 12 credits and receive a passing grade in at least 9 of those credits. Withdrawal from a course prior to the completion of the semester that causes the student to fall below 12 credits will result in failure to be considered "full time." Under extraordinary circumstances and with prior written permission of the LL.M. Director and the Law School Registrar, a student may register for as few as 10 credits and still be considered full time for that semester, provided the student receives a passing grade for at least 9 of those credits.
 - (ii) Students may take more than 12 credits each semester; if they wish to enroll in more than 16 credits during one semester, they must have the written permission of the LL.M. faculty advisor.
- (b) A minimum of 24 credit hours or more earned over the two semesters.
- (c) A grade of "Credit" in at least 24 credits for students who opt for the Credit/No Credit grading option; and a cumulative grade point average of 2.0 or better in at least 24 credits for students who opt for the A-F/letter grading option.
- (d) Satisfactory completion of the course "Introduction to American Law." Students who have a U.S. J.D. are exempt from this requirement.
- (e) All outstanding obligations to the Law School and/or the University, such as emergency student loans, keys, parking fines, and borrowed library books must be satisfied before graduation.

Section 4.02 Courses

- (a) Students are required to complete the course on "Introduction to American Law," which is offered on a Credit/No Credit basis for all LL.M. students. Students who have a U.S. J.D. are exempt from this requirement.
- (b) With the exception of certain limited-enrollment and legal writing or clinical/skills (EXL) courses, LL.M. students may enroll in any course offered at the Law School, subject to the approval of the LL.M. faculty advisor. Students may enroll in limited-enrollment courses with the permission of the faculty member or after successfully participating in a course lottery for LL.M. students in the Fall or Spring semester. LL.M. students are not permitted to practice law under the Hawai'i Supreme Court student practice rule.
- (c) LL.M. students who wish to enroll in a course with prerequisites must have completed the prerequisites or courses that the faculty member agrees are equivalent to the prerequisites.
- (d) LL.M. students are not required to enroll in first-year courses, but, except for students with a U.S. J.D., they may choose to do so, with the exception of writing courses. With the permission

of the LL.M. faculty advisor and the faculty member, they may enroll in only one semester of a full-year course.

- (e) LL.M. students may in their second semester earn up to two credits for participating in an approved externship in Honolulu. LL.M. students are responsible for obtaining their own placement approved by the Externship Director. All externships are graded on a Credit/No Credit basis.
- (f) LL.M. students may also enroll in a Directed Study, LAW 576, with a member of the Law School faculty. Any directed study course must be approved by both the LL.M. faculty advisor and the individual faculty member. Credit for directed study shall be limited to 3 credit hours. Only one directed study course may be taken in any semester.
- (g) With the permission of the LL.M. faculty advisor, LL.M. students may enroll in graduate courses (600 level or above) outside the Law School. Up to 6 credit hours may be credited towards the minimum number of credits required for an LL.M. degree.
- (h) With the permission of the professor, LL.M. students may also audit courses. Audited courses appear on the transcript but do not count towards the required minimum credits.

Section 4.03 Grades

- (a) Unless a student elects to take a course for a letter grade, LL.M. students will be graded in all academic work carried for credit with the grades of Credit or No Credit. LL.M. students must receive a grade of Credit in a minimum of 24 credits. No GPA will be calculated for LL.M. students.
- (b) With the permission of the LL.M. faculty advisor, LL.M. students may elect to be graded on the same scale and in the same manner as J.D. students, on a scale of "A+" through "F," as set out in the academic regulations for J.D. students. LL.M. students who elect this method must maintain a 2.0 or better GPA in a minimum of 24 credits.
- (c) LL.M. students will not be ranked.
- (d) LL.M. students must elect their grading option when they register for courses at the beginning of each semester. LL.M. students may change their grading option only with the consent of the LL.M. faculty advisor; no change in grading option may be made after October 15 for the fall semester and after March 15 for the spring semester.
- (e) "No Credit" grades shall not count toward full-time status requirements and shall not count in the credit hours required for graduation.
- (f) LL.M. students who are contemplating pursuing a certificate outside the Law School should consult with the relevant department or program about the grading policy, as Credit/No Credit grades may not count towards the course requirements in that program or department.

Section 4.04 Eligibility to Continue

- (a) A student on the Credit/No Credit grading option who receives more than 3 but less than 6 credits of "No Credit" shall be allowed to continue in the LL.M. Program but may be placed on academic probation. A student who has been placed on academic probation in the first semester of the program must receive grades of "Credit" in all courses taken during the second semester.

- (b) LL.M. students who have chosen the Credit/No Credit grading option shall not be eligible to continue in residence if they receive a grade of "No Credit" for 6 or more credits, and shall be dismissed from the program.
- (c) A student who has chosen the A-F grading option and whose cumulative average is less than 2.00 but greater than 1.59 shall be allowed to continue in the LL.M. Program but may be placed on academic probation.
- (d) LL.M. students who have chosen the A-F grading option shall not be eligible to continue to enroll beyond the end of the semester after which their cumulative average falls below 1.60, and shall be dismissed from the program.
- (e) A student who substantially completes the LL.M. requirements may for good cause petition the Petitions Committee, through the LL.M. Faculty Advisor and the Associate Dean for Academic Affairs, to complete the remaining credit or GPA requirements by an alternative exam, work product, or additional coursework.

The rules in this section may be waived by the Petitions Committee, at their sole discretion, upon petition by a student showing cause why they should be waived.

Section 4.05 Exams

- (a) Exam procedures as established by the Law School Registrar and Associate Dean for Student Services are incorporated by reference.
- (b) If the student's instruction in the home country was not in English and the student has previously studied in the United States or another English speaking country for less than two years, extra time may be granted for the completion of an in-class exam and a dictionary may be used for the first year of study at the Law School, in accordance with the exam procedures established by the Registrar or Associate Dean for Student Services.

Section 4.06 Withdrawal from Courses

- (a) During the Law School's drop/add period, LL.M. students may freely withdraw from any elective course, but should consider how it affects their semester of full time study. From that time until the date set by the University as the last day for restricted withdrawal, a student must have written permission from the Associate Dean for Student Services to withdraw. After that date, no withdrawals are permitted except under unusual circumstances beyond the student's control.

Section 4.07 Part Time Employment

- (a) The Law School strongly discourages LL.M. students, other than LL.M. students with a U.S. J.D., from taking any employment during the school term. Because of the demands placed on LL.M. students during their one year of LL.M. study, their learning and academic progress may be seriously compromised by the distractions employment is likely to bring.
- (b) Any employment, other than for LL.M. students with a U.S. J.D., must be approved by the LL.M. Director and Associate Dean for Student Services and must otherwise be legally allowed under the student's legal visa status, and under no circumstances may any LL.M. student engage in work for more than per week during school terms. Those who violate this policy may be held

accountable under the Academic Regulations. LL.M. students should also be advised that the need to work may not be raised as a justifying factor in the process of appealing academic actions or as a defense for failing to meet academic deadlines or attendance requirements.

Section 4.08 Richardson LL.M. Students Applying to Transfer to the Richardson J.D. Program

- (a) Qualified students who are currently enrolled in the Law School's LL.M. program, other than students with a U.S. J.D., may apply to the J.D. program as transfer students without additional testing if they meet the requirements set forth below:
 - (i) LL.M. students who plan to apply to the J.D. program are strongly encouraged to discuss their interest in applying with the LL.M. faculty advisor before applying to transfer to the J.D. program.
 - (ii) LL.M. students applying to transfer to the J.D. program must elect the standard J.D. grading option (usually "A" to "F") for all their Spring semester courses. Permission to take J.D. grades during the Spring semester will be granted only when final Fall semester results are available and reviewed by the LL.M. faculty advisor.
 - (iii) With express approval from the LL.M. faculty advisor, LL.M. students may also be permitted to take their Fall semester courses, with the exception of Introduction to American Law, for J.D. grades.
 - (iv) LL.M. students who wish to apply to transfer to the J.D. Program must complete the legal writing and research course offered to LL.M. students during their LL.M. year.
 - (v) LL.M. transfer applications must be submitted to the Director of Admissions no later than the Fall Transfer/Visitor deadline in the year in which the applicant wishes to transfer to the J.D. program. Except in extraordinary circumstances, a student wishing to transfer to the J.D. program under this provision must apply to do so as a current LL.M. student at the Law School.
 - (vi) All LL.M.-to-J.D. transfer applications must contain the following:
 - 1) The application form, transcripts, personal statement, and letters of reference contained in their LL.M. files, which will be made directly available to the Admissions Committee;
 - 2) A new personal statement, which may take the form of a letter addressed to the Director of Admissions, describing the applicant's background and interests and setting forth the reasons for applying to transfer to the J.D. program;
 - 3) An updated CV that includes any work or other experience as well as the applicant's educational background;
 - 4) The applicant's grades from at least one semester of study at the Law School or, if available, both semesters of study. Grades from the Spring semester will be transmitted by the Law School Registrar directly to the Director of Admissions as soon as they are posted;
 - 5) Letters of recommendation from two Law School professors evaluating the applicant's course of study at the Law School; and
 - 6) An assessment of the student's writing ability from the student's legal writing instructor if requested by the Admissions Committee.

- (b) LL.M.-to-J.D. transfer applicants do not need to complete the online Transfer/Visitor application on LSAC.org, or pay an application fee.
- (c) The Admissions Committee will make its decisions on applications from LL.M. students in the summer when it meets to consider transfer applications. The Committee's decision will be based upon the applicant's experience and credentials, academic performance at the Law School, and potential to contribute to the Law School and legal community.
- (d) Ordinarily, no decision on admission will be made until the applicant's grades from the Spring semester have been reported and made available to the Admissions Committee. In exceptional circumstances (e.g., the applicant is being considered for a fellowship), the Committee may be willing to consider an application before Spring semester grades have been reported, but only if the applicant has elected the A-F/letter grading option for Fall semester courses. Any offer of admission made without Spring grades will be contingent upon the student's remaining in good academic standing through that semester.
- (e) Successful applicants will be permitted to transfer credits for any Law School course taken for A-F/letter grades and apply those credits towards the requirements for the J.D. degree. No credits from courses taken for Credit/No Credit basis may be applied towards the credit requirements of the J.D. degree, unless the standard J.D. assessment for those courses is made on a Credit/No Credit basis.
- (f) Successful applicants may also be permitted to transfer additional credits for courses completed at a law school outside the United States if the Law School would have granted credit towards satisfaction of the J.D. degree requirements if those credits had been earned at the Law School.
- (g) Students requesting credit for foreign law study must make that request at the time of application to transfer to the J.D. program. The Law School will determine the appropriate transfer credit after the student has been admitted.
- (h) The total credits accepted for transfer may not exceed one-third of the total required by the Law School for the J.D. degree.
- (i) The student's prior grades from the Law School's LL.M. program may not be used in computing the student's Law School J.D. cumulative GPA. The Law School transcript will include all courses and grades from the student's LL.M and J.D. programs.
- (j) If English is not the student's first language and the student has only previously studied in the United States of another English speaking country for less than a year, extra time may be granted for the completion of an in-class exam and a dictionary may be used for the first year of the program in accordance with the exam procedures established by the Law School Registrar and Associate Dean for Student Services.

Article V. Supplemental Regulations for S.J.D. Program

The Academic Regulations for the J.D. Program (with the exception of the Ulu Lehua Scholars and Evening Part Time Program requirements) apply to S.J.D. students. In the event of a conflict, the Supplement Academic Regulations for the S.J.D. Program shall control.

Section 5.01 Program of Study

- (a) The Doctor of Juridical Science (S.J.D.) degree is an advanced legal degree with a focus on original research and scholarship under faculty supervision. Successful candidates for the degree must produce a work of publishable scholarship that makes a unique contribution to the legal scholarly literature. A student enrolled in the Program must have earned a J.D. degree from an American law school or an LL.M degree from the U.S. or another common law country after earning his or her first law degree.

Section 5.02 Requirements for the Doctor of Juridical Science (S.J.D.) Degree

(a) S.J.D. faculty advisor.

1. A full member of the law faculty must consent to act as an S.J.D. faculty advisor at the time of the student's admission to the Program. The S.J.D. committee will seek an advisor based on the applicant's area of interest and, if no suitable advisor is available, admission will be declined.
2. Dissertation advisors will review the progress of each student at the end of each semester and will update the student's file.
3. At the end of each academic year, the S.J.D. faculty advisor will report to the S.J.D. committee on the progress of each student towards completion of the dissertation.
4. In the event an S.J.D. faculty advisor determines that she or he is no longer able to advise the candidate, the faculty advisor shall notify the S.J.D. committee at least six months in advance and the committee will designate a new S.J.D. faculty advisor who is also approved by the student. If a new faculty advisor is not available or approved, the S.J.D. candidate should withdraw from the program and request reimbursement of tuition for the semester during which no advisor is designated.

(b) A minimum of one year in residence enrollment.

1. A student must be in residence during the first year of the S.J.D. Program for at least two academic semesters. After completing the first-year S.J.D. coursework and submitting the dissertation proposal, the student may remain in residence or may request permission to continue studies remotely. A student who wishes to study remotely must seek written permission from the S.J.D. faculty advisor and the Law Registrar at least eight weeks in advance of the beginning of the proposed remote semester.

(c) Satisfactory completion of the first-year S.J.D. Seminar and directed research courses.

1. A student must enroll in the S.J.D. Seminar and in directed research courses during the first year. An S.J.D. student is expected to submit a successful proposal and outline of the dissertation at the end of the first year. Under extraordinary circumstances and with Article V. Doctor of

Juridical Science (S.J.D.) Program 2 prior written permission of the S.J.D. Program Director, a student may petition to extend the deadline for the proposal to the end of the summer session.

(d) A minimum of 16 credit hours earned during the first year.

1. An S.J.D. student must enroll in 8 credit hours each semester during the student's first year in the Program. A student who wishes to enroll in more or less than 8 credits per semester must have the written permission of the S.J.D. faculty advisor. S.J.D. students will be graded on an A-F basis in each course taken for credit. The student must receive a passing grade in all courses.
2. To be considered "Full Time" for University enrollment purposes, an S.J.D. student must register for at least 8 credits each academic semester. Withdrawal from a course prior to the completion of a semester that causes the student to fall below 8 credits will result in failure to be considered "full time" and may affect visa eligibility.
3. With the exception of certain limited-enrollment courses, an S.J.D. student may enroll in all courses offered at the Law School, subject to the approval of the S.J.D. faculty advisor. The focus of the S.J.D. degree is research toward a doctoral dissertation, thus a student is discouraged from enrolling in heavy course loads.
4. With the approval of the S.J.D. faculty advisor, a student may enroll in no more than three credits per semester in classes within other units of the University of Hawai'i. Courses outside the Law School do not count toward the S.J.D. requirements and should be taken on a credit, no credit basis.

(e) Grade point average requirement

1. A S.J.D. student must maintain a grade point average of 3.0 or higher to maintain good academic standing. Grades in courses outside the Law School will not count in calculating the grade point average.

(f) A minimum of two semesters of Law 800 Dissertation course.

1. After completing the required first-year curriculum, students must enroll in the Law 800 Dissertation course each semester, for no less than two semesters, until completion of the degree. This one-credit dissertation course meets University requirements for fulltime enrollment. Students may enroll in additional courses at the Law School with written permission of the S.J.D. faculty advisor.

(g) Successful completion of the dissertation thesis of publishable quality.

1. The student must successfully complete a dissertation of publishable quality and must be approved by the S.J.D. advisor and committee.

(h) A minimum of 18 but not more than 27 credit hours in total.

1. Research and completion of the dissertation is the core of the S.J.D. degree. Unlike other law programs, the course work will not be the key determining factor for the successful completion of the program. The goal of the program is to support S.J.D. students to finish their dissertations as early as possible.

(i) All outstanding obligations to the Law School and/or the University, such as emergency student loans, keys, parking fines, and borrowed library books must be satisfied before graduation.

Section 5.03 Formation of the S.J.D. Dissertation Committee.

- (a) A S.J.D. student must initiate the formation of the dissertation committee in the spring semester of the first year by making a written request to an S.J.D. faculty advisor. The dissertation committee must be comprised of the S.J.D. faculty advisor and one other full member of the law faculty. Under special circumstances, the second member may be from a non-law University of Hawai'i department in the field related to the dissertation topic, subject to the approval of the S.J.D. faculty advisor.
- (b) The dissertation committee should be formed before the start of the second year; the deadline may be extended at the discretion of the faculty advisor.
- (c) Students are responsible for confirming the availability and agreement of faculty members to serve on the dissertation committee.

Section 5.04 Term for Completion of Program

- (a) The expected length of the Program is three, and no less than two, years. An S.J.D. student will have a maximum of five years to submit a dissertation and apply for a degree, after which the student must petition to be reinstated and to submit a completed dissertation.

Section 5.05 Non-Academic Commitments

- (a) While in residence, an S.J.D. student will be expected to concentrate on the student's own research and writing and will not be permitted to serve as a research or teaching assistant to Law School faculty members or programs, or to participate in for-credit curricular activities such as moot court or law journals.

Section 5.06 Exams

- (a) S.J.D. students will not be ranked.
- (b) "No Credit" grades shall not count toward full-time status requirements and shall not count in the credit hours required for graduation.
- (c) If the student's instruction in the home country was not in English and the student has previously studied in the United States or another English-speaking country for less than two years, extra time may be granted for the completion of an in-class exam and a dictionary may be used for the first year of study at the Law School, in accordance with the exam procedures established by the Law Registrar or Associate Dean for Student Services.

Note: The S.J.D. Student Learning Outcomes are stated in the front of this Student Handbook.

Article VI. Disciplinary Regulations

Section 6.01 Disciplinary Action

- (a) Policies. All Law School students are subject both to the University of Hawai'i Student Conduct Code (UH-SCC), and to the William S. Richardson Law School Student Handbook (WSRSL-SH) policies, rules, and Disciplinary Regulations. The UH-SCC is available through the University of Hawai'i at Mānoa Office of Student Affairs website: http://studentaffairs.manoa.hawaii.edu/policies/conduct_code/; the WSRSL-SH is available on the Law School website: www.law.hawaii.edu/studenthandbook.
- (b) Scope. The Law School disciplinary actions governed by these regulations include the following conduct:
 - (i) Conduct in violation of UH-SCC;
 - (ii) Conduct in violation of WSRSL-SH policies, rules, or Disciplinary Regulations;
 - (iii) Conduct in violation of State or Federal law; and
 - (iv) Other conduct not commensurate with professional standards of conduct required of lawyers, including, but not limited to, the Hawai'i Rules of Professional Conduct.
- (c) Applicability. These regulations apply to all Law School students, including:
 - (i) Students visiting at another law school;
 - (ii) Students visiting the Law School from other schools; and
 - (iii) Transfer students.
- (d) The Law School policies, rules, and Disciplinary Regulation also apply to non-law students taking Law School classes and may be enforced by the Law School against non-law students and/or referred to the University's Vice Chancellor for Students, Office of Judicial Affairs.

Section 6.02 Disciplinary Violations

- (a) Disciplinary violations include actions or misconduct by Law School students (including off-campus conduct), or non-law students taking Law School classes, that violate UH-SCC or WSRSL-SH policies, rules, and regulations, or State and Federal law, including, but not limited to:
 - (i) Willful or repeated failure to comply with UH or Law School policies, rules, or regulations.
 - (ii) Interference with the rights of students, faculty, or staff, including, but not limited to, the protection against unlawful discrimination, harassment, pornography, obscenity, and defamation.
 - (iii) Disruption or impairment of Law School activities or operations involving conduct by itself or in conjunction with the conduct of others when the student knew or reasonably should have known that such disruption or impairment would occur.
 - (iv) Plagiarism on any work for any class or exam, including all written work, whether preliminary or final form, and regardless of intent to commit plagiarism.

- (v) Violation of rules for exams, including those established by the Law School, Law School Registrar, or by the faculty member giving the exam, for any mid-term, interim, or final exam, assignment, paper, or “take home” exam.
- (vi) Failure to report any violation of these regulations when the student has reasonable grounds to believe that such a violation has occurred.
- (vii) Obstruction or prevention of the enforcement of these regulations or knowingly providing false information to the Law School regarding a report or complaint.
- (viii) Failure to cooperate with the Disciplinary Committee, including, but not limited to:
 - 1) Failing to appear and testify without reasonable justification (excluding the student defendant) or failing to produce requested documents or other evidentiary material;
 - 2) Misrepresenting material facts before the Disciplinary Committee; or
 - 3) Concealing or destroying evidence in order to hinder the prosecution of any complaint.
- (ix) Misrepresentation. “Misrepresentation” is defined as any act or omission that is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage (e.g., a better grade on an assignment, additional points on an exam, or admission to an otherwise closed class) from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this violation include, but are not limited to:
 - 1) Forging or altering any University document, record, or instrument of identification;
 - 2) Furnishing any person material information related to the student’s academic record, a request for Law School discretionary action, or University or Law School activities that the student knows is false or misleading.
 - 3) Interference with property. “Interference with property” is defined as any taking, damaging, or destroying of the property of the University, the Law School, the Law Library, or their faculty, staff, or students. Such property includes, but is not limited to, materials in the Law School Library and any facilities, furnishings, or equipment. Examples of this violation include, but are not limited to:
 - a) stealing, damaging, or destroying books, notes, computers, or other belongings;
 - b) stealing, damaging, hiding, or vandalizing library or teaching materials;
 - a) stealing, damaging, destroying, interfering with normal operations of, or otherwise abusing computing or information technology resources including hardware, software, systems, networks, and services;
 - d) unauthorized viewing of or entry into a document or file, to use, read, or change the contents, or for any other unauthorized purpose;
 - e) unauthorized transfer or copying of a document or file;
 - f) unauthorized use of another individual’s identification, password, or email;
 - g) use of computing or other facilities to interfere with the work of any student, faculty, or staff;
 - h) use of computing or other facilities to create, send, or willfully view or share obscene, harassing, discriminatory, or abusive messages;
 - j) unauthorized use of email or email services, or copying, facsimile, media, or phone equipment (including voicemail); or

- k) defacing, stealing, damaging, destroying, or otherwise misusing University or Law School property.
- (x) Cheating. "Cheating" is defined as giving, receiving, or using unauthorized assistance or information before or during an exam or other oral or written assignment, or related to other authorized Law School activity (e.g., moot court, law journals, student government, or events) including, but not limited to:
 - 1) Submitting another's work as one's own;
 - 2) Fabricating or falsifying data in research;
 - 3) Altering the record of any assessment, points, or grade;
 - 4) Altering answers after an exam has been submitted;
 - 5) Falsifying any official University or Law School record; or
 - 6) Misrepresenting facts to obtain academic benefits or privileges such as exemptions from course requirements.
- (xi) Aiding and abetting. Any intentional act to aid or abet a violation of these regulations shall be subject to disciplinary action.

Section 6.03 Unprofessional Conduct

- (a) General rule. Any Law School student who engages in unprofessional conduct with regard to any matter, whether or not related to the UH-SCC or other WSRSL-SH policies, rules, or regulations, including off-campus conduct, may be subject to disciplinary action pursuant to these regulations. The Law School is required to report unprofessional conduct to bar examiners.
- (b) "Unprofessional conduct" is broadly defined as conduct that:
 - (i) involves illegal activity;
 - (ii) involves dishonesty, fraud, or deceit;
 - (iii) adversely reflects on the character or fitness of the student for admission to the bar;
 - (iv) violates the Law School Disciplinary Regulations; or
 - (v) would violate the Hawai'i Rules of Professional Conduct or other standards of professional ethics established for lawyers.
- (c) Examples of unprofessional conduct include, but are not limited to:
 - (i) Failure to comply with University or Law School policies, rules, or regulations relating to student conduct and discipline whether or not such conduct also subjects the student to University disciplinary action or other sanctions.
 - (ii) Conduct in violation of public law whether or not such conduct also subjects the student to criminal, civil, administrative, or other sanctions. In making determinations of conduct in violation of public law, the Law School may consider relevant opinions and decisions by the State of Hawai'i Office of Disciplinary Counsel and other analogous agencies in other states.

Section 6.04 Reporting of Allegations, Investigation, and Presentation of Charges

- (a) Preservation of Anonymity and Confidentiality. Throughout all phases of any disciplinary proceedings, subject to the needs of the Law School to conduct a reasonable investigation, to consult with University or other authorities or experts, and to maintain academic policies and procedures, all persons involved in allegations of misconduct or disciplinary proceedings shall

take reasonable steps to maintain the anonymity and confidentiality of the student(s), faculty, staff, or other person making the allegations, the student(s) alleged to have committed the misconduct or violated these regulations ("student defendant"), and information related to all phases of the disciplinary proceedings.

- (b) Allegations of Student Misconduct. A law student, faculty, or staff member alleging misconduct by a law student shall communicate his or her concerns orally or in writing to the Law School Dean or an Associate Dean at the earliest possible time. The Dean or Associate Dean shall meet or confer with the person making the allegations at the earliest possible opportunity to determine the nature, extent, and seriousness of the allegations. The Dean or Associate Dean shall provide the person who alleges disadvantage or harm from misconduct by a law student:
 - (i) a copy of the WSRSL-SH including the Disciplinary Regulations;
 - (ii) information on his or her rights under relevant University or Law School policies, rules, or regulations;
 - (iii) referrals for support and counseling services, if appropriate; and
 - (iv) preliminary academic accommodation, which may become permanent after the completion of the investigation.
- (c) Written Report and Initiation of Investigation.
 - (i) If the person making an allegation of student misconduct seeks to have the Law School initiate an investigation, the imposition of sanctions on the student defendant, or request other remedies from the Law School, that person shall submit a timely written report of the allegations to the Dean or an Associate Dean.
 - (ii) If the person making an allegation fails to submit a written report in a timely manner, an Associate Dean, faculty, or staff member with knowledge of the allegations may submit a written report of the allegations to the Dean or an Associate Dean requesting the initiation of an investigation and sanctions.
 - (iii) The Dean or an Associate Dean shall promptly initiate an investigation of any substantial allegation of student misconduct or may designate an Associate Dean, faculty, or staff member, or a neutral third-party, to conduct the investigation and report to the Dean or an Associate Dean in a timely manner.
- (d) Meeting with the Student Defendant. At the earliest opportunity, the Dean or an Associate Dean shall:
 - (i) meet with or otherwise discuss the allegations and range of possible sanctions with the student defendant;
 - (ii) provide the student defendant with a copy of the WSRSL-SH including the Disciplinary Regulations and other relevant UH-SCC or WSRSL-SH policies, rules, or procedures;
 - (iii) inform the student defendant of his or her rights, including the right to remain silent, that any statement by the student defendant may be used against him or her, and of the right to counsel at his or her own expense; and
 - (iv) inform the student defendant about the timing, nature, and seriousness of the potential disciplinary proceedings.
- (e) Temporary Suspension of a Student Defendant. In an emergency, the Dean may temporarily suspend a student defendant prior to any meeting, investigation, or hearing, provided that a meeting, investigation, and hearing pursuant to these regulations is conducted within a reasonable time thereafter if the student defendant objects to the temporary suspension. Examples of emergencies include situations where the student defendant poses a danger of

inflicting bodily harm upon himself or herself or others, of inflicting serious emotional distress on the student making the allegations or others, creating a perception of an uncomfortable, unsafe, or hostile learning environment for the student making the allegation or others, or creating a substantial disruption of Law School activities including classroom instruction. Before issuing a temporary suspension, the Dean may, but is not required to, meet with the student(s) involved to discuss the urgency of the situation and alternatives to a temporary suspension.

- (f) **Informal Dismissal of Allegations.** After a preliminary investigation of the allegations of student misconduct, if the Dean or Associate Dean determines that the allegations are unfounded, the allegations shall be informally dismissed, no action shall be taken against the student defendant, and no record shall be made of the matter in the student's Law School record or upon the student's University transcript. The person making the allegation and the student defendant shall be informed promptly of the Dean's or Associate Dean's determination and the matter shall be considered closed.
- (g) **Informal Disposition of Allegations.**
 - (i) After a preliminary investigation of the allegations of student misconduct, if the Dean or Associate Dean determines that the allegations appear well founded and an informal disposition is in the best interests of the Law School and students involved, the Dean or Associate Dean may seek to reach an informal disposition of the allegations. Appropriate informal disposition may or may not be determined in consultation with the affected complainant and others affected by the allegations.
 - (ii) **Informal Action or Sanctions.** In reaching an informal disposition of allegations, the Dean and Associate Deans have broad discretion to propose appropriate disciplinary action or sanctions. The Dean or Associate Deans may consider factors beyond those raised in the allegations or investigation, such as the personal, academic, or professional impact of the informal disposition (or of the disposition of ongoing or potential University or administrative, civil, or criminal proceedings) on the student defendant, on the person making the allegation, on the faculty or staff involved, or on the Law School as a whole. The forms of action or sanctions that may be involved in an informal disposition include but are not limited to:
 - (a) Written acknowledgement of responsibility; disclosure of acknowledgment of responsibility to those impacted by the conduct; and/or statement of responsibility that may assist other law students to avoid similar situations (e.g., anonymous student-to-student guide to avoiding plagiarism);
 - (b) Grade reduction or modification by one or more grade levels; rescission of a grade; in any case involving cheating on an assignment or final examination in a course or intentional plagiarism on a paper in a course, seminar, or supervised writing project, the sanction shall presumptively be a grade of "F" (or in the case of a "Credit/No Credit" course, a grade of "No Credit") and retake of the required course;
 - (c) Condition, limitation, or revocation of privilege, benefit, or access related to Law School courses (including externships, moot court, journals, and pro bono), programs (e.g., Certificates), organizations (e.g., student government, Ete playing or coaching), events (e.g., attending presentations, parties), on- or off- campus activities that involve the Law School or law students, use of Law School or campus facilities, or access to faculty/staff.
 - (ii) The Dean or Associate Dean shall provide a written proposal of the informal disposition to the student defendant, who shall agree or object to the proposed informal disposition within 7 calendar days of the receipt.

- (iii) If an agreement of informal disposition is promptly reached, the Dean or Associate Dean and the student defendant shall sign the agreement, no formal action shall be taken against the student defendant, and no record shall be made of the matter in the student's law school record or upon the student's University transcript.
- (iv) The person making the allegation shall be informed promptly of the Dean's or Associate Dean's determination and the matter shall be considered closed.
- (v) Under some circumstances, the Law School may be required to report to bar examiners in the state where the student defendant may seek to practice law the result of an informal disposition of a disciplinary violation or violation that constitutes unprofessional conduct.
- (h) **Formal Disposition of Allegations.** After a preliminary investigation of the allegations of student misconduct, if the Dean or Associate Dean determines that the allegations appear well founded and may warrant formal disciplinary action, or if the student defendant has failed to agree to a proposed informal disposition, the Dean shall initiate formal disposition of the allegations through:
 - (i) written presentation of charges to the Law School Disciplinary Committee; or
 - (ii) written referral of the matter to the University of Hawai'i at Mānoa Associate Vice Chancellor for Students, Office for Judicial Affairs, with a copy of the referral to the student defendant.
- (i) **Presentation of Charges to Disciplinary Committee.** To initiate a formal disposition, the Dean shall direct the Associate Dean for Academic Affairs, or designee, to promptly draw up charges against the student defendant and shall refer the matter to the Law School Disciplinary Committee. The Associate Dean for Academic Affairs shall transmit the charges in writing both to the student defendant and to the Disciplinary Committee convened to hear the charges.

Section 6.05 Disciplinary Committee

- (a) **Composition of the Disciplinary Committee.** Except as provided in paragraph (b) below, the Disciplinary Committee shall consist of four members of the Faculty of the Law School and one third-year law student. The Disciplinary Committee shall be comprised of members of the Academic Standards Committee as constituted each year by the Dean, with the exception that the student member of the Disciplinary Committee shall be selected by the Dean when the Disciplinary Committee is convened rather than by student election.
- (b) **Election of a Disciplinary Committee Consisting Solely of Three Faculty Members.** A student defendant may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the Faculty of the Law School and no student member. A student defendant shall make such an election within 7 calendar days of receipt of the charges. If such an election is made, the Dean shall decide which one of the four original faculty members to release from the Disciplinary Committee for the purpose of that hearing.
- (c) **Joint or Separate Hearings.** Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a violation of or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Disciplinary Committee, a separate hearing should be held for any reason in the case of any such students, the Disciplinary Committee convened to hear the charges may hold separate hearings. If one or more of the students charged in a joint hearing elect to have a separate hearing, the Disciplinary Committee shall hold separate hearings. If one or more of the students charged in a joint hearing elect to have the Disciplinary Committee consist solely of three faculty members, the reconstituted

three-member committee shall constitute the Disciplinary Committee in the case of all student defendants.

- (d) **Resignation and Replacement of Disciplinary Committee Members.** If any member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and the Dean shall select a replacement member.

Section 6.06 Disciplinary Committee Procedure and the Rights of the Student

- (a) **Hearing Date.** Upon presentation of charges against a student defendant, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Disciplinary Committee consistent with the preparation of the case by the Associate Dean for Academic Affairs and by the student defendant. Because the Disciplinary Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester. Under urgent circumstances, the Dean may request the Disciplinary Committee to meet during off-duty periods or substitute faculty committee members who are willing to do so.
- (b) **Notice to the Student Defendant.** The Disciplinary Committee convened to hear charges against a student defendant shall promptly:
 - (i) inform the student defendant of the hearing date in writing;
 - (ii) provide the student a copy of the charges made and referred to the Committee; and
 - (iii) provide copies of all supporting documents submitted to the Committee.
- (c) **Presentation of the Case.** The Associate Dean for Academic Affairs shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean for Academic Affairs shall have the right to be assisted by counsel.
- (d) **Student Defendant's Right to Counsel or Advisor.** The student defendant has the right to choose and to be represented, or accompanied, by counsel or an advisor at all stages of the proceeding before the Disciplinary Committee. The counsel or advisor may be any person of the student's choice, provided, however, the student shall bear any costs incurred.
- (e) **Witnesses and Evidence at the Hearing.** Both the student defendant and the Associate Dean for Academic Affairs ("the parties") have the right to call witnesses, to introduce evidence at the hearing, and to cross-examine any witness. The student or person making the allegation of a disciplinary violation shall not be a party to the proceedings but may be called as a witness. At least 5 calendar days prior to the hearing, the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of the testimony of each witness.
- (f) **The Right to Remain Silent.** The student defendant has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student defendant to remain silent at the hearing.
- (g) **Rules of Evidence.** The rules of evidence applicable to criminal and civil trials do not govern hearings before the Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by majority vote of the Committee, the Chair of the Disciplinary Committee may make such rulings as to the admissibility of evidence that in the judgment of the Chair will expedite the hearing and ensure due process.

- (h) **Disciplinary Committee Hearings.** The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student defendant may elect to have the hearing open to the public.
- (i) **Recording of Proceedings.** Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full, held confidentially in the files of the Law School, and made available to the student defendant, or the student's authorized representative(s), for review upon timely written request within one year of the conclusion of the hearing. Such materials shall be kept by the Law School for a period of time, no less than three years, consistent with the University's record retention policies and/or practices.
- (j) **Rules of Procedure.** Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
- (k) **Burden of Proof.** The Associate Dean for Academic Affairs bears the burden of proof to establish by clear and convincing evidence that the student defendant violated the UH-SCC or the WSRSL-SH policies, rules, or regulations.

Section 6.07 Disciplinary Committee Decisions

- (a) **Disciplinary Committee Deliberations in Private.** After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
- (b) **Majority vote required.** The Disciplinary Committee's decisions shall be reached by majority vote.
- (c) **Acquittal.** If a majority of the Disciplinary Committee finds that a rule violation or unprofessional conduct has not been established by clear and convincing evidence, the student defendant shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
- (d) **Violation Established.** If the Disciplinary Committee decides that a violation has been established, the Committee shall determine the specific disciplinary action or sanction that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student defendant shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal to the Disciplinary Review Panel. If the student defendant fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant persons to implement the decision.
- (e) **Disciplinary Action or Sanctions.** The Disciplinary Committee has broad discretion to recommend appropriate disciplinary action or sanctions. In determining the appropriate action or sanction, the Committee may take into consideration factors beyond those at issue at the hearing, such as academic or professional impact on the student defendant (e.g., the effect of a grade reduction on the student's GPA), on the person making the allegation, or on the Law School as a whole. The forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee include but are not limited to:
 - (i) **Reprimand.** The student defendant may receive a reprimand, which becomes part of the student's Law School record, but is not recorded upon the student's University transcript.

- (ii) Censure. The student defendant may receive a censure, which becomes part of the student's Law School record and is recorded upon the student's University transcript.
- (iii) Grade Reduction or Revocation of Privilege, Certificate, or Degree. The student defendant's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. In any case involving a finding of cheating on an assignment or final examination in a course or intentional plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive sanction shall be that the student receives a grade of "F" (or in the case of a "Credit/No Credit" course, a grade of "No Credit"). The Committee may, in its discretion, deviate from this presumption. The Committee may also determine that a previously awarded privilege, certificate, or degree gained through the violation may be revoked.
- (iv) Suspension. The student defendant may be suspended from the Law School for a determinate period with permission to return at the end of that period. The suspension becomes part of the student's Law School record and may be recorded upon the student's University transcript. A suspension may be stayed subject to the provision that the stay shall terminate automatically if, during such stay, the student defendant is found to have again violated these regulations.
- (v) Expulsion. The student defendant may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the Law School. The expulsion becomes part of the student's permanent Law School record and is recorded upon the student's University transcript.
- (f) Notice to State Bar Examiners. Any Disciplinary Committee finding of a disciplinary violation or a violation that constitutes unprofessional conduct shall be reported to the Bar Examiners of the Supreme Court of the State of Hawai'i or to any similar agency in another jurisdiction in which the student defendant may seek to practice law.

Section 6.08 Appeal of Disciplinary Committee Decisions to Disciplinary Review Panel

- (a) Appeal to the Disciplinary Review Panel. The student defendant may appeal a Disciplinary Committee decision to the Disciplinary Review Panel. The appeal shall be in writing and must be received by the Associate Dean for Academic Affairs within 14 calendar days of the student defendant's receipt of the Committee's decision. The student's appeal statement shall set forth the grounds upon which the student seeks relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary for full consideration of the student defendant's appeal. No additional evidence shall be introduced by the parties for consideration in the review by the Disciplinary Review Panel but the Panel may seek additional evidence from the parties regarding the issues raised before the Committee.
- (b) Composition of the Disciplinary Review Panel. The Disciplinary Review Panel shall consist of all members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.
- (c) Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his or her ability to render an impartial judgment, the member shall disqualify him or herself.
- (d) Panel Procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Disciplinary Review Panel members physically present for the deliberation and voting.

- (e) **Hearing Date.** All appeals shall be heard within 30 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
- (f) **Action on Review of Disciplinary Committee Decisions.** The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:
 - (i) adopt the Disciplinary Committee's decision and the disciplinary action determined by the Disciplinary Committee;
 - (ii) adopt the Disciplinary Committee's decision as modified to impose a lesser disciplinary action than that determined by the Disciplinary Committee; or
 - (iii) set aside the Disciplinary Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Disciplinary Committee for rehearing as to all or part of the issues raised before the Disciplinary Committee.
- (g) **Disciplinary Review Panel's Decision Final.** The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the Law School and University.

Section 6.09 Rights of the Student Defendant before the Disciplinary Committee

- (a) A student defendant has the right to a clear, concise written statement of charges against the student.
- (b) A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student defendant are unable to agree upon an appropriate action or sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student defendant has the right to appeal such a determination to the Disciplinary Review Panel.
- (c) In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:
 - (i) prompt completion of all the procedures provided herein and adequate time to prepare a defense, provided, however, that the hearing and the appeal procedures can normally take place only in the Fall and Spring semesters;
 - (ii) appear before the Disciplinary Committee;
 - (iii) legal counsel or an advisor of the student's choice, with any cost so incurred to be borne by the student defendant;
 - (iv) present oral, documentary, or physical evidence on the student defendant's behalf;
 - (v) examine and cross-examine witnesses;
 - (vi) require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
 - (vii) remain silent without such silence being construed against the student defendant;
 - (viii) a presumption of the student defendant's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student defendant engaged in the misconduct charged in violation of these Regulations;
 - (ix) a copy of the Disciplinary Committee's decision in writing; and

- (x) waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the student defendant.

Section 6.10 Severability

- (a) If any provision of these Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.
- (b) These Academic Grievance Policies and Procedures are established by the Faculty of the Law School to provide consistent and equitable treatment for faculty and students in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.
- (c) Although these Academic Grievance Policies and Procedures are based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the Law School. Decisions reached through these procedures shall be considered final within the University.

Article VII. Academic Grievance Policies and Procedures

Section 7.01 Definitions

- (a) Student. "Student" is defined as any individual enrolled in a course for academic credit or audit at the Law School.
- (b) Student Grievant. "Student Grievant" is defined as any student filing an Academic Grievance under these procedures.
- (c) Faculty Member. "Faculty Member" is defined as any individual engaged in research and/or instruction for credit at the Law School.
- (d) Semester. "Semester" is defined as any scheduled term of instruction, including January Term and Summer Session.

Section 7.02 Responsibilities of Faculty Members

As stated in the UHPA BOR 2015-2017 Contract:

ARTICLE IV, FACULTY PROFESSIONAL RESPONSIBILITIES AND WORKLOAD

- A. Faculty Members are responsible for maintaining high professional standards of scholarship and instruction in their field of special competence. In giving instruction upon controversial matters, Faculty Members are expected to set forth justly and without suppression the differing opinions of other investigators, and in their conclusions provide factual or other scholarly sources for such conclusions. Faculty Members should be careful not to introduce into their teaching controversial matters that have no relation to their subject. In the conduct of research, Faculty Members shall adhere to legal and ethical standards and procedures.

Faculty Members employed by an organized research unit or other organizational units with a research mission, or whose research is supported by an extramural contract or grant, have a responsibility to follow the directions of their supervisor or principal investigator in the conduct of research in support of the mission of the unit or in fulfillment of the terms of the contract or grant. The commitment to academic freedom in the conduct of research does not imply that a Faculty Member's research is not subject to critical review and judgment as to its quality and significance. When speaking and acting as individuals, Faculty Members shall take suitable precaution to assure that personal utterances or actions are not construed as representing the University.

- B. The primary professional responsibilities of Faculty Members are teaching, research, specialized educational services, and community service. Faculty Members also have professional responsibilities such as advising students; registration of students; participation in campus and University-System committees; keeping regularly posted office hours which are scheduled at times convenient for students; and participation in traditional functions which have unique academic significance. The performance of teaching duties, research, and service extends beyond classroom responsibilities and other direct student contact duties.

Instructional activities encompass more than just classroom teaching. Other aspects of instruction include, but are not limited to: academic and thesis advising, supervision of instructional activities such as cooperative work experiences, practica, internships, and practice; instructional management, tutoring; curriculum and course development; and creation of teaching and instructional materials, and supervision of laboratory activities. Also, included in the work associated with instruction are the implementation of instructional systems and strategies, distance learning technologies, and student evaluation and assessment.

Faculty workload is not limited to instruction. It may include disciplinary research, scholarly activities, or creative endeavors; service to the academic community, the government, the private sector, and other public interest groups; outreach programs; student advising and

counseling; equipment and facilities development and maintenance; and information systems development and implementation, including professional librarian services, or serving as a program coordinator.

The Board of Regents recognizes Faculty Members are professional employees and experts in their fields.

Faculty workload shall be based on the following principles.

1. Faculty Members when engaged in instruction and research find most of the work occurs outside of the classroom, in the same manner as most of the work of surgeons and attorneys is outside of the operating theater and courtroom, respectively. It is understood that Faculty Members are not hourly employees. Faculty workload will be scheduled according to the nature of the work, the preparation and training necessary to complete the work, the time of day that the instructional or other duties are performed, and the location of the worksite.

2. The elements of individual Faculty Member's workload may differ depending on: the professional duties of the Faculty Member; the objectives of the unit, division, or department; and the mission of the school or college. When making workload judgments about instructional and direct student contact, the unit, division, or department will give consideration to the total responsibilities borne by the Faculty Member within the context of the college mission and unit, division or department objectives.

3. Based upon the teaching demands placed upon the division or department by curriculum, the Chair, after consultation with division or department Faculty Members, will identify the total instructional workload requirements to be met for the academic year. Using the planned professional objectives and activities of the Faculty Member, and the objectives of the division or the department, the Chair and the Faculty Member will determine the Faculty Member's instructional workload in accordance with Board of Regents' Policy 9-14 [RP 9.214]. In every case the assignment of credit hours shall take into account other aspects of the Faculty Member's responsibilities, e.g., research and service. In some cases, Faculty Members may not be assigned any course credit hour teaching.

- (b) In the classroom and carrying out their other professional duties related to students. Faculty Members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of Faculty Members include, but are not limited to, the following:
- (i) To permit students who act in accordance with the responsibilities indicated in Section 6.03 below to complete any course in which they are enrolled;
 - (ii) To ensure that the course offered is in fundamental accord with the latest course description;
 - (iii) To provide students at the beginning of the semester/session with a syllabus that contains the written explanation of the course objectives, how assignments meet the Law School Student Learning Outcomes, the class assessment and grading policy, reading assignments, Law School attendance policy, and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments to reading assignments and changes to written or oral assignments or exams should be avoided or made in consultation with students to minimize adverse effects, and must be communicated in writing;
 - (iv) To retain student papers, tests, projects, and exams for at least one year unless returned to the students;

- (v) To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the Law School academic calendar and exam schedule;
- (vi) To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester;
- (vii) To discuss, on request, the grade, comments, or points assigned to the work of any student in the faculty member's course, free from abuse of professorial discretion, amounting to arbitrariness, bias, or other serious unfairness;
- (viii) To provide students equitable and unbiased treatment in an educational climate that complies with equal opportunity/affirmative action policies of the University of Hawai'i, which is committed to a policy of nondiscrimination on the basis of race, sex, gender identity and expression, age, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, breastfeeding, income assignment for child support, arrest and court record (except as permissible under State law), sexual orientation, national guard absence, and status as a covered veteran.³⁶
- (ix) To post and maintain reasonable and mutually convenient office hours or reasonable access for appointments during the course of the regular semester to meet with students;
- (x) To adhere to the policies of the University concerning authors' recognition of contributions to their work by students and others; and
- (xi) To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

Section 7.03 Responsibilities of Students

- (a) The Academic Grievance Committee's decision on whether or not to hear a grievance will depend in part on the Student Grievant having fulfilled the following responsibilities:
 - (i) To exhibit classroom behavior that does not infringe on other students' right to learn;
 - (ii) To attend classes as required by the faculty member, recognizing that absences may adversely affect the grade or credit for the course;
 - (iii) To fulfill course assignments and requirements as described by the faculty member, recognizing that unfulfilled assignments and requirements may adversely affect the grade or credit for the course;
 - (iv) To abide by student, academic, and administrative regulations including the UH-SCC and the WSRSL-SH and other Law School policies, rules, and regulations;
 - (v) To follow official procedures in pursuing redress of a grievance;
 - (vi) To refrain from frivolous grievances; and
 - (vii) To promote an educational climate that complies with equal opportunity/affirmative action policies of the University of Hawai'i, which is committed to a policy of nondiscrimination on the basis of race, sex, gender identity and expression, age, religion, color, national origin, ancestry, citizenship, disability, genetic information, marital status, breastfeeding, income assignment for child support, arrest and court record (except as

³⁶ See University of Hawai'i at Mānoa Policies, Procedures, and Guidelines, M1.100.

permissible under State law), sexual orientation, national guard absence, and status as a covered veteran.³⁷

Section 7.04 Procedures for Resolution of Academic Grievances

- (a) If a Student Grievant has fulfilled his or her responsibilities relevant to his or her grievance and believes that a Faculty Member has significantly failed to meet any of the responsibilities stated in Section 6.02, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the Student Grievant may initiate action to achieve remedy.

The action available is outlined below and must be initiated, (i) if related to a grade matter, no later than 45 calendar days after the grade for the course in question has been posted or made available to the student grievant by the University or the Law School Registrar, whichever is earlier, or (ii) if not related to a grade matter, then as promptly as possible after the conduct in question is known to the Student Grievant. Because the Academic Grievance Committee meets only during Fall and Spring semesters, completion of actions begun late in the semester may be delayed until the following semester.

Step 1 – Informal Resolution, After Consultation

If the grievance involves a claim of sexual harassment, violence, or discrimination, the student grievant should immediately contact the Associate Dean for Student Services or the University Title IX, Equal Opportunity, Affirmative Action Officer before speaking with the Faculty Member.

The Student Grievant should otherwise first try to resolve the grievance informally with the Faculty Member involved. When approached by a student concerning a grievance, the Faculty Member should review the WSRSL-SH and these Academic Grievance Procedures, advise the student to review the WSRSL-SH and these Academic Grievance Procedures, and may suggest that the student consult with a Dean or an Associate Dean before proceeding.

The Student Grievant may also first discuss the grievance with the Dean, an Associate Dean, or another Faculty Member before speaking with the involved Faculty Member.

In the attempt to resolve the matter informally with the Faculty Member, the Student Grievant and the Faculty Member are encouraged to consult the Associate Dean for Academic Affairs or the Associate Dean for Student Services, who may recommend the use of external advisors, mediation, or counseling services.

The Dean or Associate Deans, the Student Grievant, and the Faculty Member may reach an informal resolution of the complaint after consultation.

(a) If the informal resolution reached in Step 1 involves withdrawal of the grievance or remedies other than a grade change, the Dean or Associate Dean will close the matter and may maintain only an informal record of the resolution.

(b) If the informal resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

Step 2 – Informal Resolution, After Formal Complaint

If the Student Grievant and Faculty Member are unable to reach an informal resolution in Step 1, and the student seeks to pursue the academic grievance, the student shall prepare a formal complaint in writing indicating:

1. the facts as the student perceived them, citing specific violations where possible;

³⁷ See University of Hawai'i at Mānoa Policies, Procedures, and Guidelines, M1.100.

2. the remedy sought; and
3. the Faculty Member's and student's response, if any, to the consultations in Step 1.

The Student Grievant shall present this complaint to the Associate Dean for Academic Affairs with a copy for the Faculty Member within 14 calendar days of the time when the inability to reach an Informal Resolution in Step 1 is apparent to the student. If the Faculty Member involved is the Associate Dean for Academic Affairs or the Associate Dean for Student Services, the Dean shall assume the responsibilities of the involved Associate Dean or assign the other Associate Dean or a faculty member to handle and receive the complaint.

After receipt of the complaint, the Associate Dean for Academic Affairs shall meet or otherwise consult separately with the Student Grievant and the Faculty Member, or, if both parties agree, meet with them jointly to discuss the complaint and attempt to reach a mutually agreeable informal resolution.

The Dean or Associate Dean, the Student Grievant, and the Faculty Member may reach an informal resolution of a Step 2 complaint.

(a) If the informal resolution reached in Step 2 involves withdrawal of the grievance or remedies other than a grade change, the Dean or Associate Dean will close the matter and may maintain only an informal record of the resolution;

(b) If the informal resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

If within 14 calendar days of receipt of the written complaint, a mutually agreeable informal resolution has not been reached, the Associate Dean for Academic Affairs shall notify the Student Grievant and the Faculty Member in writing that Step 2 has been completed without a successful informal resolution and that the student may proceed to Step 3.

Step 3 – Formal Resolution by Academic Grievance Committee

Within 14 calendar days after the Student Grievant has been notified that Step 2 has concluded without a mutually agreeable informal resolution, the Student Grievant may file a written request for a hearing before the Academic Grievance Committee through the Associate Dean for Academic Affairs. The student grievant shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean for Academic Affairs of the names of other custodians of relevant material that the Student Grievant is unable to obtain. The Associate Dean for Academic Affairs is responsible for ensuring that the notifications required under the Academic Grievance Procedure are accomplished and shall provide the submitted materials to the Chair of the Academic Grievance Committee.

Section 7.05 Law School Academic Grievance Committee

- (a) Composition of the Academic Grievance Committee. Except as provided in paragraph (b) below, each Academic Grievance Committee shall consist of four members of the Faculty of the Law School and one third-year law student. The Academic Grievance Committee shall be comprised of members of the Academic Standards Committee as constituted each year by the Dean, with the exception that the student member of the Academic Grievance Committee shall be selected by the Dean when the Academic Grievance Committee is convened rather than by student election.
- (b) Election of an Academic Grievance Committee Consisting Solely of Three Faculty Members. A student filing an academic grievance may elect to have the Academic Grievance Committee consist solely of three members of the full time faculty of the Law School and no student member. The student grievant shall make such an election within 7 calendar days after the

request for a hearing has been filed with the Associate Dean for Academic Affairs. If such an election is made, the Dean shall decide which one of the four original faculty members to release from the Academic Grievance Committee for the purpose of that hearing.

- (c) Resignation and Replacement of Academic Grievance Committee Members. If in the opinion of the Chair of the Academic Grievance Committee, the relationship of any member of the Academic Grievance Committee with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the Academic Grievance Committee and a replacement shall be selected by the Dean.
- (d) Deadlines for Academic Grievance Proceedings may be modified by the Associate Dean for Academic Affairs in light of the unavailability of parties and committee members during off-duty periods.

Section 7.06 Responsibilities and Procedures of Academic Grievance Committee

(a) Pre-Hearing Procedures

- (i) The completion of Steps 1 and 2 does not give a Student Grievant the right to a full hearing before the Academic Grievance Committee. The Academic Grievance Committee may decide on the basis of all material before the Academic Grievance Committee that no reasonable case for a grievance exists, and may dismiss the hearing request or may hear the appeal. A decision by the Academic Grievance Committee to dismiss or accept a hearing request must be made within 7 calendar days of the receipt of the request.
- (ii) Dismissal. A decision by the Academic Grievance Committee dismissing a hearing request is appealable to the Law School faculty. Such appeal must be made by the student grievant in writing within 7 calendar days of receipt of notice of the Academic Grievance Committee decision and shall be heard at the next or subsequent regularly scheduled Faculty Meeting, at the discretion of the Dean.
- (iii) Hearing Notice. After a decision by the Academic Grievance Committee to hold a hearing on the request, the hearing on the grievance must be held within 14 calendar days of its decision to hold a hearing. The committee shall:
 - 1) give written notice of the hearing, at least 7 calendar days prior to the hearing, to the Student Grievant and the Faculty Member; and
 - 2) inform all parties of the date, time, and place of the hearing.

(b) Hearing Procedures. The Academic Grievance Committee shall conduct the hearing in a fair and professional manner, which shall include, but not be limited to, the following procedures:

- (i) The Student Grievant and/or Faculty Member involved may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair of the Academic Grievance Committee within 7 calendar days prior to the hearing. The Chair of the Academic Grievance Committee shall notify the other party to the proceeding, who may, with 2 calendar days of similar notice to the Chair and other party prior to the hearing, also have an advisor present;
- (ii) The hearing shall be open unless the Student Grievant or Faculty Member makes a written request for a closed hearing to the Chair at least 2 calendar days prior to the hearing;
- (iii) The burden of proof shall be upon the student grievant who shall prove his or her case by clear and convincing evidence;

- (iv) The Chair shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on procedural issues and to exclude immaterial and/or unduly repetitious evidence;
 - (v) The Student Grievant and Faculty Member shall be provided the opportunity to present oral or documentary evidence and arguments on all issues involved;
 - (vi) The Student Grievant and Faculty Member shall have the right to question witnesses and submit rebuttal testimony;
 - (vii) All members of the Academic Grievance Committee may question witnesses;
 - (viii) The Academic Grievance Committee may secure testimony from witnesses other than those presented by the Student Grievant or Faculty Member. The Academic Grievance Committee may also secure University or Law School documents and materials, including grades and other assessments, relevant to the issue even if not provided in Step 1 or 2, or introduced in the hearing by the Student Grievant or Faculty Member. Other confidential documents may be secured only with the consent of appropriate parties;
 - (ix) The hearing will be held as scheduled even in the absence of the Faculty Member alleged to have committed the grievance, unless such absence is for good and sufficient cause. If the Faculty Member cannot attend for good and sufficient cause and desires a continuance, the Academic Grievance Committee may grant such a continuance for a reasonable period under the circumstances. The decision of the Academic Grievance Committee as to good and sufficient cause is final within the University;
 - (x) Should the Student Grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the Academic Grievance Committee as to good and sufficient cause is final within the University; and
 - (xi) The deliberations of the Academic Grievance Committee after receipt of all testimony and evidence shall be in closed session.
- (c) Final Findings and Decision. After the Academic Grievance Committee has made its findings and decision, the Chair shall inform the student grievant and faculty member of the findings and decision, in writing, within 7 working days of the conclusion of the hearing. A copy shall be sent to the Dean and Associate Dean for Academic Affairs.
- (d) Records of the Academic Grievance Hearing
- (i) The Associate Dean for Academic Affairs shall maintain a summary record of all Academic Grievance Committee hearings. The record shall include a brief notation as to the subject matter and semester of the dispute but no personally identifiable information of the Student Grievant or the Faculty Member. This record shall be open to inspection by Law Students, faculty, and staff through the Associate Dean for Academic Affairs.
 - (ii) Other records to be maintained by the Associate Dean for Academic Affairs shall include, but need not be limited to, the following and shall not be open to inspection except by the Student Grievant and Faculty Member involved in the grievance, the Dean and the Associate Dean for Student Services, and Academic Grievance Committee members: all pleadings, motions and rulings; all written and physical evidence, the recording of the hearing, and the report of the Academic Grievance Committee. This material will be kept for a period of time consistent with the Law School and University's normal record retention policies and/or practices.
 - (iii) A summary of the disposition of any written grievance shall be copied to the Student Grievant and Faculty Member involved, placed in the Student Grievant's file, and may be placed in the Faculty Member's personnel file at the discretion of the Dean.

Section 7.07 Appeal of the Academic Grievance Committee's Final Decisions

- (a) **Appeal to the Full Faculty.** The Final Findings and Decision by the Academic Grievance Committee may be appealed to the full faculty by the Student Grievant or Faculty Member. The appeal shall be in writing and must be received by the Associate Dean for Academic Affairs within 14 calendar days of issuance of the Academic Grievance Committee's Final Findings and Decision. The appeal statement shall set forth the ground(s) upon which the appellant desires relief from the decision. The full faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but may seek from the parties or others through the Associate Dean for Academic Affairs additional information not provided before the Academic Grievance Committee.
- (b) **Disqualification.** The Faculty Member involved is not considered part of the full faculty for purposes of the Academic Grievance Appeal process. The members of the Academic Grievance Committee are considered part of the full faculty for purposes of hearing the appeal and may participate but may not vote on the final decision. If any full faculty member feels that his or her relationship with either the case or the individuals involved would affect his or her ability to render an impartial judgment, the member shall disqualify himself or herself.
- (c) **Appeal Hearing Date.** The full faculty shall hear any appeal within 30 calendar days of receipt of the appeal. Because the faculty meets only during the Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester, at the discretion of the Dean.
- (d) **Right to Appear at Appeal Hearing.** The Student Grievant and the Faculty Member involved may be allowed or requested to attend the appeal hearing, at the discretion of the majority vote of the full faculty; however, neither party has an absolute right to attend.
- (e) **Authority of the Full Faculty.** The full faculty shall have the authority to affirm, reverse, or modify the decision of the Academic Grievance Committee.
- (f) **Full Faculty's Appeal Decision Final.** The decision by the full faculty on appeal is final within the University and not subject to further review.
- (g) **Notification to Parties, Record of Decision.** The full faculty, through the Associate Dean for Academic Affairs, shall notify the Student Grievant and Faculty Member involved of its decision within 5 working days of the hearing. The full faculty meeting and record of decision shall include a brief notation as to the date of the hearing, the subject matter, and the semester of the dispute but no personally identifiable information of the Student Grievant or the Faculty Member. This record shall be open to inspection by Law Students, faculty, and staff through the Associate Dean for Academic Affairs. A summary of the decision shall be copied to the Student Grievant and Faculty Member involved, placed in the Student Grievant's file, and may be placed in the Faculty Member's personnel file at the discretion of the Dean.


Section 7.08 Finality, Implementation, Redress Beyond the University

- (a) The findings and decisions of the Academic Grievance Committee and full faculty reached pursuant to these policies and procedures shall be final within the University.
- (b) The Dean shall have the authority to implement the remedies determined by the Academic Grievance Committee and full faculty under these policies and procedures.
- (c) Nothing in these Academic Grievance Procedures shall preclude either the Student Grievant or the Faculty Member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

Section 7.09 Severability

If any provision of this Academic Grievance Procedures is held to be invalid or unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

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